

NAIROBI TODAY

THE PARADOX OF A FRAGMENTED CITY



EDITED BY:
HÉLÈNE CHARTON-BIGOT & DEYSSI RODRIGUEZ-TORRES.

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NAIROBI TODAY

The Paradox of a Fragmented City

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Edited by
Deyssi Rodriguez-Torres

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Preface

Hélène Charton-Bigot

The joint draft publication on the city of Nairobi was initiated in June 2000 by a team of researchers working under the aegis of the French Research Institute in Africa (IFRA) on the institute's projects. Nairobi Today adds to a collection on contemporary African states with a new series dedicated to East African cities. The publication of "Nairobi Today" completes this series. This type of publication gives quality information to French-speaking readers on the often little-known English-speaking East Africa.

This project took time to gestate and take shape. During its long gestation period it experienced a number of changes which have come to quite appropriately reflect the elusive nature of Nairobi, a city of complex and fluctuating identities.

Like other colonial cities, Nairobi is a product of British colonisation. It was created from scratch to meet first and foremost, the economic needs of colonial development to serve as a resting point during the construction of the Uganda Railway linking Mombasa and Lake Victoria. It later overtook Mombasa and its old town tradition to become the capital of the protectorate, then the colony.

It seems Nairobi, due to its beginnings and character, was a stopover and never really a final settlement for the majority of its inhabitants. Since its creation as a white city whose geography adhered to strict racial segregation, Nairobi served as a station for colonial civil servants on roving duty in various British Empire territories and a replenishment centre for the settlers living in the Highlands. Indian communities, settled in Nairobi from the beginning of the 20th century, were displaced from the city centre following a plague outbreak in the Indian bazaar. They resettled in the eastern part of the city. As for the Africans, the city was obviously not meant for them. They were tolerated for the city's functional needs like domestic workers, casual employees in government and private companies like the Railways, but there was no residential area specifically dedicated to them. The Nairobi Africans could not own land pre-empted by the Crown. They therefore settled informally or illegally wherever they could in unoccupied parts of the city with an ever-present threat of expulsion hanging over their heads.

During the period between the two wars, demographic pressure in the African reserves and new economic constraints imposed by colonisation led to the influx of migrant Africans in the capital. In spite of the limitations, they came to try their luck in Nairobi in a bid to obtain employment and get the

financial resources they needed to pay taxes. The African city thus developed in the unoccupied spaces alongside the colonial city. The African city emerged more as a juxtaposition of residential areas created in accordance with colonial policy. Former Muslim Nubian soldiers settled in the Kibera area, the first informal African “village” of the city. The demobilised soldiers settled in Kariokor, while Railway workers, who were mainly the Luo from western Kenya, settled in Lhandies. Although Africans were the majority, they were peripheral second-class zone dwellers. Up to the Second World War, there was no public policy or urban department for Africans in the capital. As far as the colonial authorities were concerned, it would be tantamount to accepting and legitimising the presence of these people in Nairobi.

It seems, therefore, that insecurity was the very nature of African presence in Nairobi. It is upon this paradox that the city’s identity is based. The African population became so much part of the insecurity of urban life that it not only affected their status but primarily, their identity as well. Though this insecurity was a product of the colonial set-up, it persisted after the country’s independence. The city’s colonial past greatly influenced the contemporary urban landscape. Admittedly, racial segregation disappeared but it gave way to a more subtle form of social segregation. Today, just as it was during the colonial period, a large section of the city population still lives in informal residential areas, in some cases, inherited by several generations living under virtually illegal or insecure conditions. These people were seemingly diverse: migrants, whose families had been left behind in the village, women who had established themselves in the city as prostitutes, youths who had illegally returned to the city, as well as descendants of the first communities to settle in the city, Kibera Nubians, Indians and Pakistanis, etc. It is perhaps this piecemeal blend of residential areas and communities that makes the city what it is today and gives it its rather unique nature. Each of the residential areas and communities has over time emerged as a strong identity.

Consequently, it is not a unique identity that one should look for in Nairobi but a multi-identity or identities which correspond to various fragments that are part of the city and also to the differentiated dynamics that is observed at the level of each village, each residential area. In addition, Nairobi is by default shallowly seen through its urban policy deficiencies. It is often associated with its shantytowns and soaring crime, which bring the failure of urban policies into sharp focus. It is these shadowy slum areas that are paradoxically used to characterise the city. Nairobi today looks like a fragmented and highly paradoxical city since it is upon the city’s empty spaces and peripheries that urban dynamics are structured. It is a city whose identity remains shift.

As shown by the thirteen papers that make up this publication, it is impossible to encompass the city’s complexity in one glance. It is a city that reveals itself when you touch it, fragment by fragment. This publication calls

upon us to go into the city's residential areas, to frequent certain communities or familiarise ourselves with some of its formal or informal institutions in order to understand what constitutes the city of Nairobi today.

By endeavouring to identify and distinguish the urban dynamics unique to Nairobi, the three main parts of this publication make it possible to understand how the city's space is structured. Nairobi has retained its profoundly hybrid nature which makes it a stop-over city more inclined towards the countryside than its own urban status. This characteristic is, however, essential in trying to understand this atypical city. Doubtlessly, it is from its peripheries, its unoccupied spaces and its historically marginalised population that one should look for the essence of a 'Nairobian' identity. The nature of Nairobi's historical development has deeply affected its contemporary aspect—a "fragmented", "compartmentalised" city—adjectives used in the various papers emphasise the city's disjointed nature. This fragmentation is attached to the nature of urban policies, or to their absence, which have been behind the city's development.

These aspects have been dealt with in the first part of the publication, which is dedicated to public policy. However, it is their limitations and failures that have been given prominence in the various papers notably giving the example of two informal residential areas: Mathare and Kibera. In her article, Claire Médard tackles the issue of land policy and urban planning. The issue of land policy is at the heart of Nairobi's development. Apart from the classical functional zoning linked to a racial segregation policy, lack of city planning has led to the mushrooming of many informal residential areas in which the issue of land ownership has never been resolved. The shantytowns, which developed illegally in the city's unoccupied spaces, are not part of any public policy. Yet these informal residential areas serve as reservoirs and leverage for the city's political and economic actors, given that they are paradoxically at the centre of modern urban dynamics. This is highlighted by the three public policy examples that follow: the renovation of informal residential areas by Deyssi Rodriguez-Torres, giving Mathare 4A as an example; water policy tackled by Anne Bousquet, citing the case of Kibera; and finally waste management, discussed by Mathieu Mérino. Indeed, the failure of public policies in these areas explains the urban fragmentation process that characterises the city of Nairobi. This fragmentation, however, leads to strong identities as shown by D. Rodriguez-Torres in the case of Mathare 4A. Opposition to the policy of renovation indeed revealed a real Mathare identity that transcends traditional, ethnic and religious cleavages. The original initiatives that develop at the level of residential areas to make up for the absence of public policies cast light on the original urban dynamics.

Therefore, by looking at area by area and within the various communities, one is able to discern the city's dynamics. The second part of the publication

precisely aims at understanding the city through its variety of residential areas, communities and identities. The tour on which Daniëlle de Lame takes us underscores the diversity as well as the compartmentalisation of Nairobi, which makes it a decidedly pluralist city. Articles by Michel Adam, Anne Cussac and Nathalie Gomes, which concentrate on Indian, Pakistani and Muslim communities in Nairobi, enable us to improve our knowledge on these early dwellers of the city who have forged strong identities within their residential areas. Indians and Pakistanis play a major role in the city's economic and social space while the Nairobi Muslims, who were the first African Nairobi dwellers, appear to be a marginalised community in perpetual quest for recognition. Religions also play a major role in the formation of the identity pattern in Nairobi. They are a reference point for new migrants looking for social identity. Yvan Droz takes an interest in the fervour for Pentecostal Churches, which has been noticeable in the last decade or so. Beyond the social identity and stability that they can offer in a fragmented space, these churches preach a message that enables the faithful to escape from material difficulties inherent in urban life, poverty, insecurity, etc., and help them to accept their often temporary situation as city dwellers. The city therefore produces its own identities that reflect the concerns of its inhabitants.

Does the juxtaposition of residential areas and identities bring about a specific urban culture? This is the question that the third part of the publication seeks to answer through the issue of Nairobi's political culture. Winnie Mitullah delves into details of the city's institutions and their limitations in terms of urban governance. However, it is in the blind spots of urban governance that one should look for a political culture that is unique to Nairobi. Musambayi Katumanga looks at the decomposition and re-composition processes that characterise urban management. He shows especially how failure of municipal institutions has given rise to forms of privatisation of the urban space and resources. The shortcomings of public organs and the loss of monopoly of violence have allowed urban banditry to flourish. Urban banditry now appears to be one of the forms of the city's political culture insofar as it generates original re-compositions and behaviours. Indeed, the city produces its unique culture, which develops alongside the municipal powers. The case of *matatu* (private minibuses that provide passenger transport in the city) by Mbugua wa-Mungai offers a rich illustration of a form of a specifically urban juvenile culture that is the product of one sector of activity. These *matatu*, which link the city's fragmented space, convey a strong urban culture and identity. Finally, as shown by Hervé Maupeu, despite the fragmented nature of its space, the city of Nairobi has always been, since the colonial days, a high ground for political mobilisation. This analysis demonstrates the existence of a political culture unique to Nairobi embodied in its residents, and which fits into the city's physical space across places that have, with time, become symbols of its identity.

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Town Life in Colonial Kenya¹

John Lonsdale

*If you want to learn about life in Nairobi in the 1950s,
go off and talk to old men in Nyanza.*²

This paper raises more questions than it answers. While, as my references will make clear, much excellent work has been done, there is as yet no mature urban historiography of Kenya whose theoretical debates one can epitomise. The most I can do is try to pull together some ideas from the secondary literature, supplemented by research of my own, to suggest elements of a connected research agenda, informed by a few organising themes. This can, nonetheless, be only one historian's view of how the field might develop a sense of what is important for us to study and argue about, and is by no means exhaustive. Other themes will suggest themselves to other scholars, and that will be all to the good.

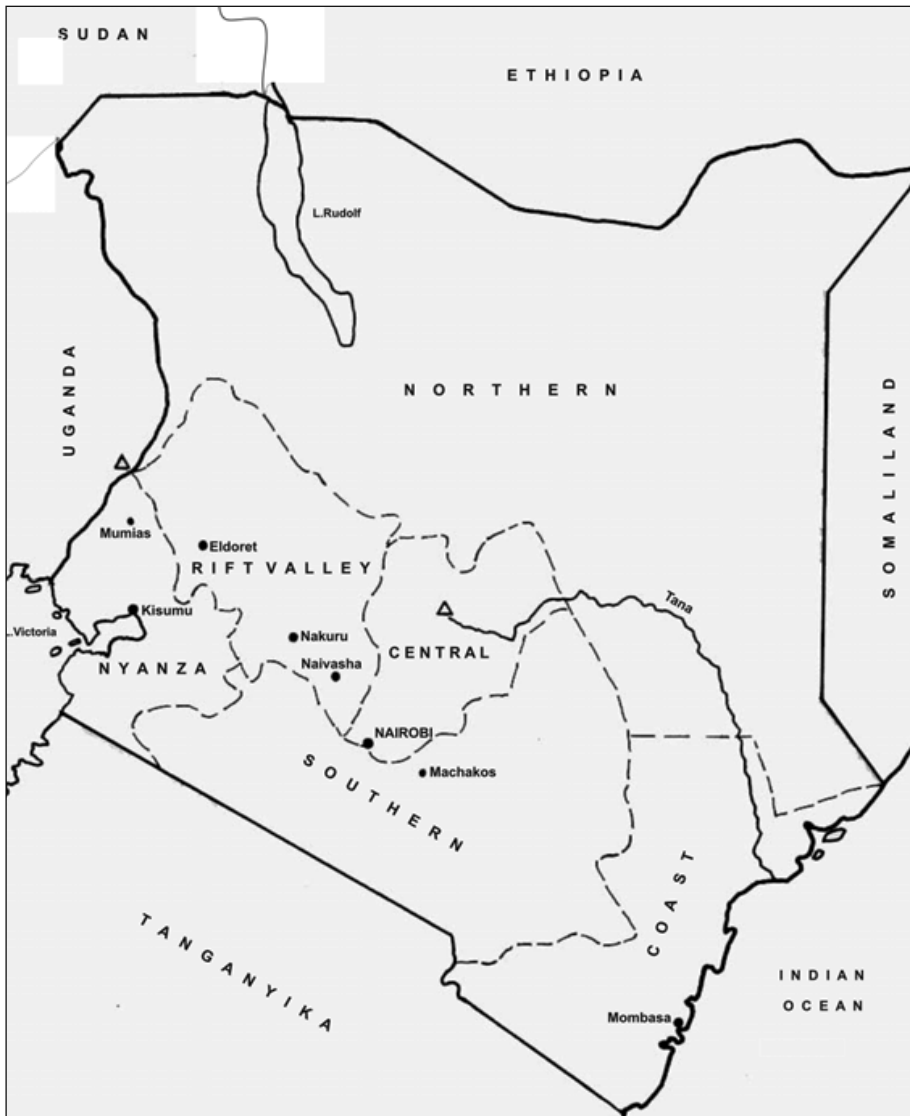
Colonial Kenya's historians have hitherto paid more attention to its rural political economies than its urban social histories. As the British Institute conference itself confirmed, research into urban, as distinct from labour, history is still at an early stage. For the moment we remain rather ignorant of ordinary urban lives, and how they changed. Our comparative ignorance reflects both our documentary sources, which betray colonial Kenya's distaste for towns, and the fact that – as Professor Oucho warned – oral memories, especially male memories, of colonial town life, are as likely to be scattered up-country as concentrated in city streets. British officials saw towns as social and political problems rather than as productive or cultural opportunities; so too did most African men. Few Kenyans had seen a town before the twentieth century. In colonial times, while many Kenyans worked for shorter or longer periods in town, not many, other than those who had immigrated from South Asia or Europe, spent all their lives as townspeople. This situation has changed only recently, with the rapid urbanisation of the last half century or less, since independence. Kenyans' relative ignorance about towns in colonial times did not, however, prevent them, or the men among them, from having strong views on the wickedness of urban life. Historians have only recently begun to shake themselves clear of this conventional, pejorative, wisdom.

1 Andrew Burton (ed.), *The Urban Experience in Eastern Africa c. 1750 - 2000* (Nairobi: British Institute in Eastern Africa, 2002) pp. 207 - 222.

2. Professor John Oucho's methodological advice, given to Mr Godwin Murunga during an urban experience conference held in Nairobi in July 2001, organised by the British Institute in Eastern Africa and IFRA.

At independence only eight percent of Kenya's population lived in towns, and of these the great majority were in Nairobi, with 267,000 inhabitants, and Mombasa, with 180,000. In these two cities there were many true townspeople. Often these were not Africans but Arabs, Indians and Europeans. Both towns were in any case exceptional.

Administrative map of Kenya in 1957 with places mentioned in the text



Nakuru, Kenya's third largest town, was less than one quarter the size of Mombasa. The census listed thirty other settlements as 'towns'. Few deserved the name. While the largest of them had twenty thousand enumerated

inhabitants, a place had only to have two thousand residents to be counted as a 'town'. Most of these so-called towns must have been little more than villages – a double row of *dukas* lining the road, a market place, a *hoteli* or two, perhaps a maize mill and a hide-drying *banda*.

The fact that Kenyans were, in 1963, for the most part still country people raises our first problem when writing the history of those few who in the first half of the twentieth century lived in towns. How far were they townspeople at all, with distinctively urban careers and values? While urban historians must always study the ways in which towns relate to their rural hinterlands as markets, industrial or political centres, they also try to understand the lives of their citizens as a distinct, urban, experience. But colonial Kenya's tiny urban population means that we cannot understand its members' lives unless we ask how they related, not only to other people, their rural kin and neighbours, but also to earlier and later stages in their own lives, their rural origins and probable rural ambitions. Most African townsmen – as distinct from often more permanently settled townswomen – were probably 'straddlers', hoping to invest their urban income in improving, or at least saving, their farmland 'back home'.³ This oscillating personal experience is the first problem for urban historians who wish to write social histories that enter into their actors' own self-understandings. Many more than five percent of colonial Kenyans will have had experience of town life at some point in their lives. Many of those in town at any one time will not have been there five years earlier and might not be there in five years' time.

Our second problem is that, although they were small in size and few in number, Kenya's towns were also very different from each other. How can historians best explain the differences between them, and how did these differences affect the lives of those who lived and worked in them? The most obvious difference was between Mombasa (and other coastal ports) and the rest. For Mombasa is an old town; it has existed for centuries. All the others are new, at their oldest barely predating the twentieth century. It is true that nineteenth-century Kenyans increasingly lived in stockaded settlements like Mumia's, Chetambe's, the *gunda burs* of Luoland in the west, the *kibingo* of southern Kikuyuland or the *kaya* of the coast. But none of these were towns in the sense that they were governed by institutions distinct from those that ordered rural life. So the

Kenyan soldiers who marched out of Burma victorious, at the end of the Second World War, showed a good sense of history when they sang 'Mombasa naamba one, Nairobi naamba two'. But even the new towns of colonial Kenya were very varied. Of the larger inland towns only Kisumu was surrounded by an African countryside capable of supplying most urban needs.

3 The late Michael Cowen's concept of 'straddling' – that is, the use of clerical and urban wages as a source of agrarian investment – has been very generally adopted by Kenya's economic historians.

By contrast, the 'White Highland' towns of Nakuru and Eldoret, would, one might suppose, be markets for white settler rather than African producers and traders. Nairobi stood on the racial land frontier. But how far did these distinctions in economic and racial geography actually shape town life? One may make some suggestions, but they need more research to substantiate. Clan land entitlements and the politics of African dairymen, for instance, would appear to have been more important in invigorating Kisumu's African life than in Eldoret. However, even in the seemingly alien town of Nakuru, 'the capital of the White Highlands', its Kikuyu urban politics had acquired a vigorous generational division by the late 1940s, partly due to commercial rivalry. The racial boundaries of the 'white man's country' were often very porous. And while perhaps most of Nairobi's African suppliers were poor women hawkers, constantly harassed by the authorities, or prostitutes whose life strategies depended largely on dissatisfaction with their rural status, some men at least had made a splash in town as purveyors of milk, fuel, and weekend entertainment.⁴ These different rural connections were not the only determinants of the quality of urban life, but for many people they underlay all others.

And there is a third question to explore: how far, when and why did the character of towns and the lives of their inhabitants and workers change during the colonial period, between 1895 and 1963? Can one usefully periodise urban social history? Can we talk, in general terms, of changing networks of personal accumulation and urban communities of survival, or would it first be necessary to comment on the class and gendered distinctions of town life? How far did occupational changes in urban workforces affect the size and composition of urban African households? How far, in particular, are the few studies of family and household structures of the early 1970s – which show a pattern of 'one family, two households', one in town, the other in a rural ethnic 'homeland', so appropriate to 'straddlers' – widely representative or class-

4 For Kisumu: Minutes of Native Chamber of Commerce, 19 April 1931: John L. Riddoch papers (privately held); later NCC minutes in Reuben Omulo papers, University of Nairobi History Department Archives; and Nyanza Province Annual Reports for the 1930s: in Kenya National Archives (KNA). For Eldoret: Janet Seeley, 'Praise, Prestige and Power: The Organisation of Social Welfare in a Developing Kenyan Town' (University of Cambridge PhD, 1985). For Nakuru: Tamarkin, M. 1976. 'Mau Mau in Nakuru', *Journal of African History* 17: 119-34. For Nairobi: Mutonyi, Eliud. c. 1966, unpublished typescript. 'Mau Mau Chairman'; Luise White, *The Comforts of Home: Prostitution in colonial Nairobi* (Chicago and London: University of Chicago Press, 1990); Claire Robertson, *Trouble Showed the Way: Women, men, and trade in the Nairobi area, 1890-1990* (Bloomington and Indianapolis: Indiana University Press, 1997). On the role of rural food supplies in sustaining the 1950 Nairobi general strike: David Hyde 'The Nairobi General Strike [1950]: From protest to insurgency' in Andrew Burton (Ed.), *The Urban Experience in Eastern Africa c. 1750 – 2000* (Nairobi: British Institute in Eastern Africa, 2002) pp. 235 – 53.

specific?⁵ What would be an appropriate motor of periodisation for social change? Did African town life change, and differentiate, with the changing fortunes of Kenya's agrarian economy and the rise of a manufacturing sector? Or, more suddenly, with the colony's vigorous response to the two imperial – or 'world' – wars on its doorstep? Or to absorb the growing African population, especially after 1945? Or thanks to the political activism of African townspeople and the planning responses of British officials?

To begin to answer all three questions, about how far one can talk of specifically urban life, what differences there were between towns, and how far, and why, the lives of their people changed over time, historians will, I suggest, have to pay particular attention to three key issues, common to urban historiography around the world. These are: the economic and political relations between *town and country*, as already hinted, the control of urban *property*, and the nature of *work* in town.

These are difficult issues to explore. Moreover, our relative ignorance means that we must take care how we use the little knowledge we think we have. For those whom we think we know best – from the archives – were the people about whom colonial officials were most concerned, and these were not necessarily the most representative of townspeople. Officials were more aware, for instance, of prostitutes than of wives, of migrant wage-workers than of the self-employed, artisans and entrepreneurs. It is possible (but by no means certain) that historians, as a result, think that town life was, for the majority, less stable and secure than it was in fact. In the same cautionary vein, we also know more about rare events like strikes, for which we have the police and press reports, and less about the silent daily struggles through which urban neighbourhoods formed, maintained, disciplined, and protected themselves. Of such issues colonial officials heard little and wrote less – but they must have been central to African life in town.

In admitting our urban uncertainties, historians are but reflecting Kenya's own political culture. For colonial Kenya's population figures tell us that all its townspeople were in some way 'unrepresentative'. Towns were full of minorities, frontier zones of fresh colonisation. Kenyans had pioneered new frontiers for centuries but in each case a particular culture, based on management of local natural resources, had become dominant, whether hunting, or herding, or farming, and had imposed rules of existence to which people became habituated as generally co-operative neighbours. Kenya's colonial town frontiers were generally controlled by others, whether whites or South Asians. Only in Mombasa could locals be said, before the 1960s, to be in

5 See the mutually corroborative studies of apparently 'middling class' straddler families in Thomas W. Weisner, 'One Family, Two Households: Rural-Urban Ties in Kenya' (Harvard University PhD thesis, 1972); Andrew Hake, *African Metropolis: Nairobi's Self-Help City* (London: Sussex University Press, 1977), ch. 4; David Parkin, *The Cultural Definition of Political Response: Lineal destiny among the Luo* (London, New York and San Francisco, 1978), chs. 1 and 2.

control. Without a dominant culture to which Africans could assimilate, towns seemed to be full of strangers, easily seen as delinquents or threats. Jomo Kenyatta generally referred to Nairobi, or indeed any town, as *Gecombaini*, a place of strangers.⁶ And since most towns remained small and under the control of others, their African inhabitants found it difficult to voice their own view, which was that they were far from being 'strange'. Contrary to the common rural view that they were 'lost' to any sense of moral community, many felt they were pioneers of a distinctly urban culture, potentially as civilised and reputable as any 'at home'.⁷ Despite all the existential risks inherent in an urban world controlled by others,⁸ some African urban pioneers were, to a surprising degree, in command of a town's sources of opportunity, if not of capital.⁹ If there was a common Kenyan distrust of townspeople it was partly because some of their number did rather well, without regard for rural norms and expectations.

To turn, then, to my first question, how far Kenyans in the first half of the twentieth century were townspeople, with urban values. In the last two decades of colonial rule, Kenya's urban population rose from around five to around eight percent of the rapidly growing African population. This fundamental point – the insignificant numbers of townspeople at any one moment – is reinforced by the sex ratios of African Nairobi and Mombasa. In 1939, Nairobi's Municipal Native Affairs Officer reckoned that there were eight African men in town (of whom about one quarter were domestic servants) for every one African woman.¹⁰ In 1948 the first official census showed that the male: female ratio in Nairobi had more than halved. It was now down to 3.5 : 1, an unexpected consequence of war, but still very high. Even in Mombasa, with its large, established, commercial households, there were still nearly twice as many males as females. Nothing could indicate better than these figures that for many of their inhabitants towns were only part societies, not whole ones, although that was becoming less true after the Second World War. For a diminishing majority, but still a majority, at least of townspeople, they were a transitory stage in life's bestraddled journey, and therefore not the most important moral arena in which to aspire to personal 'straightness' and

6 Jomo Kenyatta, 'Uria Kinyatta Erire Kiama kia Mathako kia Agikuyu kia-ri Nairobi Pumwani emorial Hall' ('What Kenyatta Said to the Kikuyu Sports Association Meeting at Pumwani Memorial Hall'), in Henry Muoria wa Mwaniki (ed.), *Kenyatta ni Muigwithania Witu* (Nairobi: Flash Printers, 1947), 13-16, p. 15.

7 For the example of women in colonial Nairobi: Bodil Folke Frederiksen, 'African women and their colonisation of Nairobi: Representation and realities' in Andrew Burton (ed.), *The Urban Experience in Eastern Africa c. 1750 – 2000* (Nairobi: British Institute in Eastern Africa, 2002) pp. 223 - 34.

8 For African accounts of these (largely urban) risks see, Luise White, *Speaking with Vampires: Rumor and history in colonial Africa* (Berkeley, Los Angeles and London: University of California Press, 2000).

9 For which see Frederiksen and E.S. Atieno Odhiambo, 'Kula Raba: Gendered discourses and the contours of leisure in Nairobi, 1946 – 63' pp. 254 – 64 in *The Urban Experience in Eastern Africa c. 1750 – 2000*

10 Eric Davies, memorandum on 'Some Problems Arising from the Conditions of Housing and Employment of Natives in Nairobi', 18 August 1939: Mimeographed, privately held.

fulfilment – despite the fact that the first voluntary associations in colonial towns were ethnic burial societies.¹¹ In the late 1960s only three percent of Nairobi's inhabitants had been born there.¹²

The answer to my first question must therefore be somewhat kaleidoscopic, inflected by gender, class, and time. Nonetheless, it would not be too extreme to suggest that colonial Kenya had an *anti*-urban, as much as an urban, history.¹³ For most of the colonial period both British rulers and African male householders – but not Indians, which is one of the reasons why they were objects of suspicion to others – struggled against urbanisation. Until the 1950s colonial pass laws and the very limited official provision for housing were designed to constrain single men to generally brief periods of work in towns, as distinct from living out their lives there.¹⁴ It was not until this late date, barely a decade before independence, that British policy changed, indeed reversed, with the aim of separating African peasantries from urban workers who were now permitted the right, if scarcely yet the conditions, to become townspeople. It was typical of the colonial era that this reversal of policy was prompted by a search for security. The British thought that oscillating migrant labour was one of the main mechanisms for the spread of Mau Mau, as well as the cause of labour inefficiency. In the mid-1950s, then, the official view that Africans were best controlled by rural 'tribal discipline' gave way to the hope that they would discipline themselves within new class solidarities and divisions, and that African townspeople might even, if given a chance, with decent housing and legalised trades unions, turn out to be respectable.¹⁵

But there is little evidence that many Africans welcomed this change in policy and wished to define themselves in terms of urban classes.¹⁶ Most seem to have been even more vigorously anti-urban in thought than the British – although other papers in this issue show that some thought otherwise.¹⁷ Or at least most African men were, continuing to rely for survival and advancement

11 For 'straightness' and moral accomplishment see, John Lonsdale, 'Authority, gender and violence: The war within Mau Mau's fight for land and freedom', in Atieno Odhiambo and John Lonsdale (eds.), *Mau Mau and Nationhood* (Oxford: Currey, forthcoming, 2002).

12 R.M.A. Van Zwanenberg and Anne King, *An Economic History of Kenya and Uganda 1800-1970* (London and Basingstoke: Macmillan, 1975), p. 269.

13 Cf., R.A. Obudho and G.O. Aduwo, 'The rural bias of Kenya's urbanisation', in J. B. Ojwang and J.N.K. Mugambi (eds.), *The S.M. Otieno Case* (Nairobi: Nairobi University Press, 1989), pp. 65-75.

14 For eg., see Milcah Amolo Achola, 'Colonial policy and urban health: The case of colonial Nairobi' pp. 119 – 37 in: *The Urban Experience in Eastern Africa c. 1750 – 2000*.

15 For changes in urban social and labour policy see, Hake, *African Metropolis*, Part I; Anthony Clayton and Donald Savage, *Government and Labour in Kenya 1895-1963* (London: Cass, 1974); Frederick Cooper, 1996. *Decolonization and African Society: The labor question in French and British Africa* (Cambridge: Cambridge University Press).

16 Cf., Frederick Cooper. *On the African Waterfront: Urban Disorder and the Transformation of Work in Colonial Mombasa* (New Haven and London: Yale University Press, 1987), 8; Justin Willis. *Mombasa, the Swahili, and the Making of the Mijikenda* (Oxford: Clarendon Press, 1993), p. 4.

17 See Frederiksen and Odhiambo in: *The Urban Experience in Eastern Africa c. 1750 – 2000*.

on rural systems of property and power. Women seem to have taken to town life with greater ease than men, as was and is also true of South Africa. That was perhaps a major reason why men feared towns. For women, town air could make not only for freedom but also for power. A spectacular, and probably atypical, example of this gendered difference came with the punch-ups within the Waziba or Haya Union in Mombasa, in 1950. Women members, many of them prostitutes, were rich; they paid their dues regularly. Many men could not or would not pay yet still wanted to control the Union's affairs.¹⁸ Such conflict also presents another methodological problem for the urban historian. Justin Willis, when researching in the 1980s into the past Mijikenda experience of Mombasa, was told by his male informants, time and again, that there was no point in talking to women, since they knew nothing of Mombasa. That was either wishful thinking on their part or misinformation, to block the transfer of subversive female knowledge. So far as men were concerned, their women had had to stay 'at home' in the rural areas, to maintain property rights while men were temporarily absent in town.¹⁹

The gendered contrast in access to town famously excited both the first flash-point of colonial African urban politics in 1922 and, as is less well understood, fuelled the first instance of *anti*-urban politics, in 1929. In 1922 – or so popular memory once held – it was Mary Nyanjiru who exercised a leadership denied to her within her lineage and shamed Nairobi's African men into demanding the release of Harry Thuku from his police cell. She was among the first to fall when the police responded with a volley of fire.²⁰ But nor can the Kikuyu 'female circumcision' crisis of 1929 be understood unless it is put in the context of the moral panic that already caused men to fear the worst about what women were up to in Nairobi. The crisis began not so much with the genital surgery forced on a rural Christian daughter, as with paramount chief Kinyanjui's almost dying wish, earlier in the year, that Kikuyu women should no longer hawk beans and potatoes (and, it was rumoured, themselves) in the city's markets.²¹ Yet even rural men could find it difficult to meet their responsibilities towards rural women. One of Luise White's findings on prostitution in Nairobi was that the timing and purpose of young women in coming independently to town was related to rural crises

18 Margaret Strobel. *Muslim Women in Mombasa 1890-1975* (New Haven and London: Yale University Press, 1979), p. 146.

19 Willis, *Mombasa*, pp. 196-7.

20 Harry Thuku, with Kenneth King. *Harry Thuku, an Autobiography* (Nairobi: Oxford University Press, 1970), p. 33.

21 For this aspect of the crisis see, D.M. Feldman. 'Christians and Politics: The Origins of the Kikuyu Central Association in Northern Murang'a 1890-1930' (Cambridge University, 1978), pp. 252-5; John Lonsdale. 'The moral economy of Mau Mau', in Bruce Berman and John Lonsdale, *Unhappy Valley: Conflict in Kenya and Africa* (London, Athens OH and Nairobi: Currey, Ohio University Press and Heinemann Kenya, 1992), pp. 265-504, 386-95.

of subsistence in which their rural households were unable to sustain them. Margaret Strobel has similar reflections on prostitution in Mombasa.²²

Coming to more recent, post-colonial, times, one cannot help but wonder whether one of the reasons for Tom Mboya's assassination in 1969 was that, for an otherwise rurally-based political elite, he had a disturbing ability to appeal, trans-ethnically, to Nairobi's townsmen and women. And, finally, the famous conflict of 'customary' and written laws in 1987, over the place of burial for the Luo lawyer 'SM' Otieno, had echoes of the moral panic of 1929, half a century earlier. It ended in victory for SM's rural clansmen 'at home', over his widow, who in cosmopolitan Nairobi could lay claim to no more than a 'house'. 'Custom' wore trousers, not a skirt. The regime hailed this as a triumph for the rural, patriarchal, values that underwrite Kenya's political culture and practice.²³ Ever since the white settlers first went to their segregated polls after the First World War Kenya's rural, and more particularly pastoral, voters have always – save in The first African general election of 1957 – been favoured by a pattern of constituency delimitation that has been weighted against towns.²⁴

This modern form of political manipulation has a deep Kenyan history. For the past 150 years, and arguably for far longer, the key strategic resource of highland Kenya has been the central Rift Valley, round about Nakuru, not the Nairobi area – although 'Ngongo Bagas' (in the Ngong area) was one of the earliest interior markets known at the coast. The Laikipiak wars were a struggle for Entorror, overlooking the central Rift. Delamere's Soysambu estate, south of Nakuru, was for long the ceremonial centre of white politics. Much of Mau Mau's muscle was provided by Kikuyu *athikwota* expelled from Nakuru and Naivasha districts, while 'the Kenyatta state' rested on the Rift Valley carve-up between Kikuyu and Kalenjin. Kabarak, north of Nakuru, has succeeded Soysambu. Nairobi has been too volatile to be a political base for other than the so-called 'hooligans', *imaramari*, of Mau Mau; and Mombasa too distant from most upcountry rural 'homes'.

22 White, *Comforts*, especially ch. 2; Strobel, *Muslim Women*, p. 141.

23 This cultural conclusion seems a precondition for the narrower, political, view that the regime welcomed the verdict as an instrument of inter-ethnic manipulation. Note the contrast between the cool legal opinions found in Ojwang and Mugambi, *The S. M. Otieno Case* and, on the other hand, the emphatic political interpretations in Blaine Harden, *Africa: Despatches from a fragile continent* (London: Fontana, 1992), pp. 124-6; or Wambui Waiyaki Otieno, *Mau Mau's Daughter: A life history* (Boulder and London: Lynne Rienner, 1998), pp. 150-53, 174-86; and, in a more delphic vein, David W. Cohen and E.S. Atieno Odhiambo, *Burying SM: The politics of knowledge and the sociology of power in Africa* (Portsmouth NH and London: Heinemann and Currey, 1992), pp. 78, 83, 86.

24 M.G. Redley, 'The Politics of a Predicament: The White Community in Kenya, 1918-32' (Cambridge University PhD, 1976), Table X, p. 28; G. F. Engholm, 'African elections in Kenya, March 1957' in W. J. M. McKenzie and Kenneth Robinson (eds.), *Five Elections in Africa* (Oxford: Clarendon Press, 1960), pp. 391-61, Table 6, p. 419; George Bennett and Carl Rosberg, *The Kenyatta Election: Kenya 1960-61* (London, New York, and Nairobi: Oxford University Press, 1961), pp. 47-56; David Throup and Charles Hornsby, *Multi-Party Politics in Kenya: The Kenyatta & Moi states & the triumph of the system in the 1992 election* (Oxford, Nairobi, and Athens OH: Currey, EAEF, and Ohio University Press, 1998), p. 178; Marcel Rutten, Alamin Mazrui and François Grignon (eds.) *Out for the Count: The 1997 general elections and prospects for democracy in Kenya* (Kampala: Fountain, 2001), pp. 105-17.

Moreover, Kenya's deepest social conflict, that of class formation, has surely been a rural rather than an urban process. Working classes are generally seen to act for themselves in town;²⁵ but they are formed in the crucible of changing social relations on the land. Historians of African labour have been slow to realise that it is on ancestral land, within lineages, not on the factory floor, that people were first separated from their means of production. Those with lesser claims (often the sons of junior wives) lost out to fellow clansmen with stronger ones. Moreover, just as wealthier rural households straddled the urban sector for gain, so too wage work in town seems often to have been the poor man's means to stave off, from below, that same process of class-formation. Monthly remittances home might save one's land from the necessity to sell.

If all the above is broadly true, and towns were seen largely as threats, or opportunities, or survival mechanisms, according to how one was placed in, or alienated from, rural relations of production, then my first problem – how to give meaning to the lives of colonial Kenya's small and often impermanent urban population – can only have a contested, dynamic, solution. It is to study town life under the broad rubric of a social struggle between Africans to define its value, whether as a temporary ordeal to be endured or exploited, or, on the other hand, as a self-civilising challenge that, perforce, one had to overcome. That struggle for meaning was clearly governed by the changing capacity of Africans to win some control over the necessities of urban existence, particularly property and what one must more loosely call 'power'. Nairobi and Mombasa were very different in this respect, as I will try to show. But such difference is also my second problem. Of all the human sciences, history is the least frightened by difference. Nonetheless, one still has to find some general explanation of difference in order to give it a pattern. The chronology of Kenya's political economy, as I will also try to show, seems to be the best generalising instrument to hand. So that my third problem, that of change, turns out to be the solution to my other two. The passage of time, and the changes it brings, are, after all, generally the best organising theme for an historian.

The colonial history of Kenya almost literally inscribed on its towns a changing relationship between commerce and state power. The sway of precolonial mercantile capital in due course gave way, with the advent of colonial rule, to the overlordship of bureaucracy and landed property. That political revolution – it was no less – was needed to carve a 'white man's country' out of Kenya's sector of the Indian Ocean trading system. A clear omen of reorientation came in 1895. Traders in Mombasa's alleys, with centuries of commercial intrigue behind them, could have had no inkling but, 370 km (230 miles) into the interior, commissioner John Ainsworth proclaimed

25 But for a corrective, see David Hyde. 'Plantation Struggles in Kenya: Trade Unionism on the Land, 1947-63' (London University PhD, 2001).

Machakos – an imaginary circle of one mile radius in the bush, centred on his flagpole – to be, of all unlikely things, a town. This contrast prefigured colonial Kenya's rapid social changes, best seen by looking at the successive sorts of indigenous 'big men' in towns. They embody my three organising principles, the meanings of town life, urban difference, and changing times. Confining oneself to Mombasa and Nairobi, these urban bosses could be said to have gone through a three-phase transition during Kenya's long colonial half-century.

In the 1890s, first, the powerful townsmen were, and could only be, the *watajiri* (Sw. – the wealthy) of Mombasa's entrepôt trade. These were Arab and Swahili merchants, bankers, and landlords, the bosses of Islamic clan politics and interpreters of the law, masters of civilisation, *ustaarabu* (Sw. – culture) or *uungwana* (Sw. – gentility). They remained supreme at the coast until the 1950s. The British fear of offending Islam had until then protected them from the consequences of their failure to become employers when they could no longer be slave-masters. But in the end they had no defence against the mass politics of the nationalist era.

Secondly, in Nairobi, in the early twentieth century, the first African townsmen, or villagers, were very different. Far from being capitalists, they were an aristocracy of labour. Business and landed property in Nairobi were in the hands of Indians like Visram and Jeevanjee, or Britons like Wood and Grogan. Africans filled the essential roles of porters and soldiers, *wapagazi* (Sw. – porters) and *askari* (Sw. – soldiers/policemen/guards), hired first by Swahili traders and then by British officials and hunters. Some of them settled down to sell their well-paid labour or engage in local trade on their own account, and remembered their coastal origins in the names they gave their Nairobi settlements, Mombasa and Pangani. Meanwhile, from the far interior, came the 'Sudanese' or 'Nubi' soldiers who, when their time with the colours expired, first settled in Kibera, named after the forest out of which they carved their habitation.²⁶ Such people, and their descendants, seem to have struggled successfully for three decades to impose a positive, creative, community meaning on African Nairobi.²⁷ Islam became the mark of civilisation and upcountry Muslims like Abdullah Tairara, Kikuyu by origin, the hospitable focus of Nairobi's cosmopolitan, trans-ethnic, culture. Muslim Nairobi had three mosques, the largest being Swahili, the next largest Kamba, and the smallest Kikuyu.²⁸ One could say that this showed how much coastal Islam had shaped the town life of the interior in its own image. One could also argue that it shows how little the Muslim landlords of Nairobi's African villages, lacking full property rights and legal ascendancy, had exercised the

26 S. H. La Fontaine, Report of an Investigation into the Means for the Resettlement of the Soudanese Resident at Kibera, 13 Nov 1947: Nairobi City Archives (NCA), K/13.

27 See Frederiksen in: The Urban Experience in Eastern Africa c. 1750 – 2000.

28 C. E. Mortimer, Commissioner for Lands and Settlement, to Chief Secretary, 2 February 1940: NCA, ADM. 15/17/1.

unifying social authority enjoyed by the *watajiri* of Mombasa. The colonial destruction of Pangani village in 1938 was a brutal demonstration of the weakness of temporary occupation licences and monthly stand permits as a basis of urban civility.

Finally, by the late 1940s, Nairobi's male and female Muslim householders were succeeded as the African leaders of progress by the salaried male employees of the state and its services in the railways and public works, often housed by their employers.²⁹ Men who helped run the city as their occupation later tried to alter its power structures as their ambition. The first signs of this change came in 1922, when Harry Thuku's main supporters had been, in addition to Muslim householders, young Christian telephonists, court interpreters and print-workers. Twenty years later Islamic domestic property had finally given way to state-certificated literacy as the means to African urban power in what was still more of an administrative than a commercial town. The new men had risen by means of mission education. By contrast with Islam, Kenyan Christianity was a rural, not an urban, generator of power. It gave urban respectability a new orientation. With the ascendancy of the white-collar men, or *taitai* – who ran tribal welfare associations, the city's African locations, and white-collar trade unions – the country, the power-base of colonial rule, had come to town. Neither the *watajiri* of Mombasa nor the veteran *wapagazi* of Muslim Nairobi were straddlers: that was to prove a weakness. The new salarymen were: that was their strength.

The rise of Tom Mboya embodied this change. Son of a plantation worker in the 'White Highlands', he received his early education in his ethnic homeland, Nyanza. He went on to the best Catholic secondary school in Kenya, at Mangu, set in its 5,000 acre estate. He then owed his meteoric rise to power to his mastery of the bureaucratic skills of fixing deals and swaying committee opinion. His masterstroke, symbolically, was the student airlift to Kennedy's America – Mecca to a world in which the *watajiri wahaji* of Mombasa were the has-beens of a sleepy backwater.³⁰

Moreover, this tripartite periodisation of African urban elites may be the best way to organise our thoughts on African urban households. This would be to accept that public structures of power and wealth determine private family structures, rather than vice versa. To return to the beginning of my periodisation it would suggest, as indeed students of Muslim life have all shown, that coastal townspeople belonged, ideally, to large households, whether as full members or dependent clients. As in the old commercial cities of West Africa, this was the best way to gain access to capital, mercantile trust,

29 See Odhiambo in: *The Urban Experience in Eastern Africa c. 1750 – 2000*.

30 David Goldsworthy. *Tom Mboya, the Man Kenya Wanted to Forget* (Nairobi, London, and New York: Heinemann and Africana Publishing, 1982), chs. 1-11.

clan politics, and patronage. In precolonial times it may also have been the best insurance for the poor against starvation in times of famine, or the risk of being sold into slavery. In the colonial world the advantages were equally apparent. To be the dependant of a *tajiri* was to enjoy the opportunities of the informal – or ‘real’ – economy of the coastal towns; and to avoid the seeming regimentation of white-employed wage labour.³¹

The Muslim householders in Nairobi could, by contrast, provide little more than shelter. They neither dominated the town’s economy nor owned its land. In Nairobi and other upcountry towns the commercial networking role of Mombasa’s *watajiri* was performed by Kenya’s South Asians, using the extended families of sect and caste. Nairobi’s African householders owned only the houses they themselves had built as permitholders on Crown land; they were not, strictly speaking, landlords with freehold protection. The tenants who rented their rooms were still less secure, a collection of individuals with their own strategies of survival, not the incorporated members of an extended household that embodied a corporate power. This was perhaps the chief reason why Nairobi’s male workforce so long remained migrant rather than urban, and Nairobi’s

women as often prostitutes as wives. But the latter half of that statement would be difficult to prove. Officials were blind to African wives in Nairobi – and not much better informed about prostitution.³²

Mombasa knew prostitution too but its social status was different from Nairobi’s. Old, patrician, households governed the port city’s social perceptions. They disdained prostitutes as upcountry immigrants, or coastal ex-slaves. Nonetheless, the prior existence of private property seems to have allowed for brothels in Mombasa which, on White’s evidence, did not exist in Nairobi.³³ There was another contrast between Mombasa’s and Nairobi’s prostitutes, over time. It relates to property ownership, and helps to reinforce the general point that established, wealthy, Mombasa residents had more control over their lives than Nairobi Africans could ever aspire to in colonial times.

In Mombasa, over time, prostitutes became less likely to own property, more likely to become tenants. In Nairobi, to the contrary, many prostitutes started their urban careers by renting a room and ended them by owning a house that gave them a rental income. In 1938, 36 percent of Nairobi’s Pangani village’s householders were women. How many of these were independent is not recorded, but half were described as ‘daughters’, likely to

31 Strobel, *Muslim Women*, especially ch. 3; Willis, *Mombasa*, chs. 4, 8, and 9; Frederick Cooper. *From Slaves to Squatters: Plantation Labor and agriculture in Zanzibar and coastal Kenya, 1890-1925* (New Haven and London: Yale University Press, 1980); idem, *African Waterfront*; John Middleton. *The World of the Swahili: An African mercantile civilisation* (New Haven and London: Yale University Press, 1992).

32 See Frederiksen in: *The Urban Experience in Eastern Africa c. 1750 – 2000*.

33 White, *Comforts*, pp. 164-5.

have inherited from their independent mothers, rather than 'wives'. Almost all were Muslim; and almost all Pangani's residents moved to Pumwani, Nairobi's oldest official location, when, in 1938, Pangani was demolished. Four decades later, 70 percent of Pumwani's house-owners had accumulated the necessary capital by working as prostitutes.³⁴ This advance is a tribute to the determination of independent women. It is also evidence of the limited options available to Nairobi's Africans. There must have been few other means of acquiring wealth, competitive with prostitution, for those whose ambitions centred on the city. And houses held as insecurely from the white municipality as those in Pumwani were never going to rise in value beyond these women's means. In Mombasa, on the other hand, property values did rise; and those who increasingly rented rooms to prostitutes had not been prostitutes themselves.³⁵ Mombasa had respectable avenues to wealth. Nairobi's *malaya* struggled to achieve respectability and, in due course, created the distinctively urban, matrifocal, household. Although I shall go on to question the extent of colonial control over Kenya's towns, the differing structures of urban power and property clearly had considerable effects on the texture and structure of African urban family lives.

Town life was not all about prostitution, certainly not in Mombasa, and decreasingly so in Nairobi from the 1940s, when the third sort of 'big man' began to appear and, with him, a different urban family.

This was the salaried white-collar employee of government departments and the railways – Kenya's largest and best employer. The railway started to employ educated and skilled Africans in large numbers in the 1930s, at the expense of whites and Indians, to cut labour costs in the depression.³⁶ By 1950 the Luo, the 'railway people' par excellence,³⁷ and a nationality born on the night train from Nairobi to Kisumu,³⁸ called the railway housing in Nairobi *ka jonyuol*, the place of children. Young families could be brought up there, although their male heads were likely to head the straddling 'one family with two households' that, for better-off Africans, supported rural status with urban opportunity.³⁹ After the Second World War the Kenya African Union (KAU) was officered by such men, who could afford to have a wife and at least their pre-school children in their subsidised quarters. This was the new high road to colonial urban civilisation. It encouraged norms of respectability that

34 Pangani Compensation Schedule, enclosed in Eric Davies (MNAO) to Commissioner for Local Government, Lands, and Settlement, 17 Sept 1938: NCA, 16/4; Janet Bujra (1975). 'Women "Entrepreneurs" of Early Nairobi', *Canadian Journal of African Studies* 9, pp. 213-34.

35 Strobel, *Muslim Women*, p. 144.

36 Alun Smith. 'Kenya in the Depression, 1929-1937', ch 3 (unpublished typescript, by courtesy of the author, 1975).

37 R.D. Grillo. *African Railwaymen* (Cambridge: Cambridge University Press, 1973).

38 Personal observation, at Nairobi and Kisumu stations and in the bar on the train.

39 Edith Miguda. 'Mau Mau in Nairobi 1946-1956: The Luo Experience' (Nairobi University, MA, 1987),

35. For 'one family, two households' see footnote 4.

reinforced the established traditions of the tribal welfare associations, which the same sort of men took over at this time, repatriating loose women.

Yet it was also this privileged domestic life that made it impossible for the KAU hierarchy to control Nairobi's politics in the 1940s and early 1950s.⁴⁰ The city's African population was then dividing into four distinct groups, even classes. There were two respectable classes, one in decline, the other rising. The first were the Muslim property owners, never very effective, it appears, as patrons, but many of them still making a living in business, in stock-trading and butchery for instance in Kibera. They would have had one household, one family; whenever officials thought to clear them out of Nairobi it was found to be impossible; they had severed all links with their supposed point of ethnic origin.⁴¹ The Christian salaried men made up the second respectable class, housed mainly by their employers. Their capital lay in their own education; their investments flowed into the education of their young, often supported by the rural of their two households. Then there were the entrepreneurs of the city's informal economy, charcoal suppliers and bus-owners, taxi-drivers and food-kiosk owners, the female brewers and suppliers of other domestic comforts. Lacking Mombasa's tradition of urban respectability, they had to make it for themselves, while coping with the rise of a criminal underclass. Among such people were the brains behind Mau Mau. Many of these, but by no means all, will have had two households.⁴² Unskilled workers and the underemployed scraped by as best they could, in municipal locations whose squalor reflected the unwillingness of suburban white rate-payers to subsidise the housing of those who ministered to them and the inability of black workers to pay an economic rent.⁴³ These will presumably have left most of their family behind, in its rural household.

Just as the failures of the KAU may help to pinpoint social change and the emergence of different urban classes, with different household structures, so too may the emergence of new, urban, forms of delinquency. Women's prostitution and beer-brewing were never seen as delinquent by non-whites committed to permanent town life, except, as one might expect, by the Islamic propertied classes of Mombasa's Old Town who frowned both on upcountry prostitutes and the hawkers of palm wine. But little has been written specifically on Kenya's urban youth gangs – a lack that only occurred

40 David W. Throup. *Economic and Social Origins of Mau Mau* (London, Nairobi, and Athens OH: Currey, Heinemann Kenya, and Ohio University Press, 1987), pp. 175-7, 190, 241, 250. See further, John Lonsdale (2000). 'KAU's Cultures: Imaginations of community and constructions of leadership in Kenya after the Second World War', *Journal of African Cultural Studies* 13, pp. 107-24.

41 La Fontaine, Report, 1947.

42 Bildad Kaggia. *Roots of Freedom, 1921-1963* (Nairobi: East African Publishing House, 1975), chs. 10 and 11; Mutonyi, 'Mau Mau Chairman'.

43 For the squalor, R. Mugo Gatheru. *Child of Two Worlds: A Kikuyu's story* (London: Routledge, 1964), pp. 72-7; and the economics: R.M.A. Van Zwanenberg (1972). 'History and theory of urban poverty in Nairobi: The case of slum development', *Journal of East African Research and Development* 2: 163-205; Throup, *Economic and Social Origins*, pp. 178-88.

to me when teaching South African urban history.⁴⁴ This comparative angle suggests fresh thoughts about the Forty Group, or *Anake a Forti*, the Kikuyu organisation that provided some of Mau Mau's militant leaders – not so much for itself as for what it may tell us about the periodisation of social change.

South Africa's urban historians distinguish between early gangs of rural home-boys who came to town as migrants, like the *amalaita*, and, on the other hand, the later, distinctly urban or, as Trevor Huddleston called them, 'cockney' gangs, especially on the Rand, known as *tsotsis*. The former were common before the Second World War and then tended to disappear. The latter dominated first Sophiatown and then Soweto from the 1930s. The *tsotsis*' aggressive masculinity had little to do with the rural initiation sets remembered by *amalaita*, and more to do with specifically urban poverty, crime, and the cultural influence of American western films, watched in what South Africans call the bioscope. Between the *amalaita* and *tsotsi* eras, and despite notoriously tough pass laws, black South African households⁴⁵ – often headed by women – had come to town, and were unable to control their teenage sons.⁴⁶ In South Africa, chronology had put its stamp on delinquency. Did it do the same in Kenya? The answer seems to be 'yes, but differently'.

The Forty Group, perhaps uniquely, combined elements of what were sociologically and chronologically separate in South Africa. Like *amalaita* they saw themselves as an initiation set, the *anake a forti*, with a rural focus, but they then violated all rural generational norms. Unlike *amalaita* and more like *tsotsi*, however, they also ran various forms of urban crime and were held responsible for terrorising respectable African Nairobi. Conversely, they repatriated single women to their rural homes, especially those in the short skirts of which their parents disapproved. In a final self-contradiction the 'Forty' took no oath of solidarity, seemingly in recognition of the fact that they were not on the ladder of rural property that alone authorised such oaths, and yet they helped, as if propertied elders, to raise funds for the education of rural youths.⁴⁷

If, then, in the comparative literature of youth culture, the 'Forty' were uniquely ambiguous as between town and country, what might that mean? It seems that what gave them solidarity was not age, or urban neighbourhood (but that is not clear) but the status of being unmarried, often well into their twenties. That was not unusual for Kikuyu men. However, it seems probable

44 In a course taught jointly with John Iliffe, whose ideas of historical causation and change have done much to enlighten my own.

45 As distinct from bachelor migrants.

46 From a large literature see, Charles Van Onselen. *Studies in the Social and Economic History of the Witwatersrand 1886-1914*, 2: New Nineveh (Harlow: Longman, 1982), pp. 54-60; Trevor Huddleston. *Naught for your Comfort* (London: Collins, 1956), ch. 5; Clive Glaser. *Bo-Tsotsi: The youth gangs of Soweto, 1935-1976* (Portsmouth NH, Oxford, and Cape Town: Heinemann, Currey, and Philip, 2000).

47 John Lonsdale. 'The moral economy of Mau Mau', in Bruce Berman and John Lonsdale, *Unhappy Valley: Conflict in Kenya and Africa* (London, Nairobi, and Athens OH: Currey, Heinemann Kenya, and Ohio University Press, 1992), pp. 265-504, 421-3.

that, in the 1940s, the settler onslaught on their African squatters' productive entitlements, and the Kikuyu rural capitalism that profited from supplying Nairobi, together made it more difficult for juniors to acquire access to land and, therefore, to marry. That is informed speculation, not established fact. If it contains any truth, then the Forty Group, in all its ambiguity, is our best indication from social history that, in the 1940s, some migrant workers first had to start thinking of themselves as townsmen, but remained reluctant to give up all hope of founding the rural household that would support a culturally preferred straddling existence. To revert to my earlier questions, one must bring Kenya's changing agrarian economy, the impact of the Second World War, rising population, and African agency, not one or the other alone, to a full understanding of the 'Forty'.

My third question, therefore, about periodisation, has to some extent been answered. That could tell us something important about Kenya's urban history. I had assumed that the best way to impose a sense of change on the history of town life would be to follow the transitions of colonial urban policy. They have not proved to be as important as I supposed. They cannot be ignored. The rise of Nairobi's *taitai* would not otherwise have been so smooth. But I have not seen policy as central. In his history of Tanganyika John Iliffe remarks that 'it was in the towns that Europeans first lost control of Africa.'⁴⁸ Looking at the 1940s one cannot but agree. But looking at the period before that, at least in Kenya, one wonders whether they had ever established control in the first place.

On the official record, the colonial history of Kenya's towns, with the partial exception of Mombasa, looks much like that of modern South Africa. One can, for instance, learn more of African Nairobi from the records of the Medical Department than from the office of the Chief Native Commissioner.⁴⁹ Fear of plague, as in South Africa, stimulated the first town planning⁵⁰ – although in Nairobi white fear was directed against Indians, not Africans. But Nairobi was a perfect Apartheid city without trying. White suburbs in breezy hills looked down on the Indian bazaar and railway workshops, with their African 'lines', on the hot and swampy plain. Physical geography similarly indicated the obvious place for African locations. That was downstream, below the main drains and on top of the sewage farm. But this solution was not in fact achieved until the late 1930s, with the destruction of Pangani village and its removal to Pumwani location. Until then, and indeed thereafter, African unskilled workers and artisans slept all over Nairobi,

48 John Iliffe. *A Modern History of Tanganyika* (Cambridge: Cambridge University Press, 1979), p. 381.

49 See Achola in: *The Urban Experience in Eastern Africa c. 1750 – 2000*.

50 Maynard Swanson (1977). 'The sanitation syndrome: Bubonic plague and urban native policy in the Cape Colony 1900-1909', *Journal of African History* 18: 387-410.

wherever they could put up a shanty, find shelter, or move in unobserved in suburban servants' quarters. The ingenuity of African habitation defied both physical geography and municipal policy.

Nor am I inclined to lend great importance to the planning of New Mombasa, outside the Old Town, also in the 1930s. More spectacular than in Nairobi, thanks to the major capital investment in the Kilindini docks, this planning made Mombasa turn its back on the untidy Arab town. But the planning of a typical colonial African location, focused, typically, on the beerhall, had little effect on the untidy, cheaper accommodation or the casual labour favoured by African workers, but anathema to the tidy-minded colonial state.⁵¹ I am similarly reluctant to lay much emphasis on the massive municipal housing investments in Nairobi from the 1940s, or on the new policy to build up a self-respecting urban class with the aid of family housing. These followed African social change and the best employer practice of the late 1930s. The municipal social engineers did not so much initiate new social history as try to control the ways in which Africans were already exploiting new opportunity.⁵²

The record of entertainment and the arts may, finally, be more useful than colonial policy in both periodising urban social change and illustrating the continuity of anti-urban values. *Beni* dance societies, for instance, which by 1920 spanned much of urban East Africa, scarcely reached Nairobi, and then only in the exceptional context of the First World War. Even in their birthplace, Mombasa, they had largely died out by 1930. They stressed urban identity, pan-ethnicity, and the hierarchies of wage labour; they had revelled vicariously in the trappings and rituals of white power. Willis has shown how by 1930 in Mombasa *beni* was superseded by the ethnic dance societies of migrant workers, who danced to drums only, not with European brass instruments, and whose songs stressed the need to remit one's earnings home, so as not to become 'lost' in town. There could be no more dramatic sign that Mombasa was indeed becoming more colonial and less 'coastal', its popular culture dominated no longer by the urban *watajiri* but by migrant, upcountry, labour, as the dockstrike of 1939 was further to confirm.⁵³

The Mau Mau *nyimbo* of the late 1940s and early '50s, by contrast, illustrated not so much change as continuity in the anti-urban culture of central Kenya. They extolled the virtues of rural wealth and damned the delinquent

51 Cooper, *Waterfront*, pp. 190-92; Willis, *Mombasa*, ch. 7. Colonial states were unique in neither their tidy-mindedness nor their failure to get subjects to conform. See, James C. Scott. *Seeing Like a State: How certain schemes to Improve the Human Condition Have Failed* (New Haven and London: Yale University Press, 1998).

52 Bodil F. Frederiksen. 'Making popular culture from above: Leisure in Nairobi, 1940-1960', in Liz Gunner (ed.), *Collected Seminar Papers: No. 43* (London: Institute of Commonwealth Studies, 1992), pp. 68-82.

53 Terence Ranger. *Dance and Society in Eastern Africa 1890-1970: The Beni Ngoma* (London, Ibadan, Nairobi and Lusaka: Heinemann, 1975), pp. 48-51; Willis, *Mombasa*, pp. 179-81.

extravagance of town, as if they were the rural elites' counterblast to the urban impudence of the Forty Group, at a moment when the poor, but not the rich, were forced to choose between rural and urban life. That Eliud Mutonyi, chairman of Mau Mau's central committee, hired rural dance troupes out of his charcoal and general trading profits to win popularity in Nairobi's slums, also indicates the continuing hegemony of the 'one family, two households' rural big man.⁵⁴ In the 1950s even Shinda Gikombe, so far as I know Kenya's first jazz guitarist, sang of the land rather than the streets, contrasting the prowess of his bull, *Dume langu*; with the chicanery of townspeople, *Watu wa Mombasa*. Atieno Odhiambo also shows that the distinctly urban pop songs at this time continued to mourn the loss of upright man- and womanhoods in town.⁵⁵

Moving from song to the printed page, Kenya's first and most often reprinted vernacular novel, Gakaara wa Wanjau's heartrending *Marriage Procedures*, or *I Want You to Kill Me*, published in Kikuyu in 1946, relates the catastrophic, typically rural, conflict over brideprice between a mission-educated couple and the prospective bride's father. Gakaara, who died in 2000, remains the only widely read vernacular author to this day. And although his picaresque hero, wa Nduuta, was a wide-boy of the towns, he was so terrified by the 'paawa' or power of the urban anarchy released by the attempted coup of 1982 that he fled for peace and safety to his rural clansmen.⁵⁶ The same can be said of the internationally read novelists Ngugi wa Thiongo and Meja Mwangi.⁵⁷ Ngugi's characters are unintelligible without some knowledge of rural Kenyan concepts of honour and, of course, that primer in ethnic nationalism, the Bible. The Devil is in the towns, and there is no bleaker place in Kenya than the new town of Il Morog. Mwangi's novels are based in towns, but are devoid of honour. His characters are without hope in town, yet too ashamed to return to their rural homes. They could well have been written in the 1950s. However much urban historians must shake themselves free of colonial Kenya's anti-urban imagination, its shade haunts twenty-first century Kenya still.

54 Lonsdale, 'Moral Economy', 443-4; Cristiana Pugliese. Gikuyu Political Pamphlets and Hymn Books (Nairobi: IFRA Working Paper, 1993); Mutonyi, 'Mau Mau Chairman'.

55 Gikombe: personal recollection; Odhiambo in: *The Urban Experience in Eastern Africa c. 1750 – 2000*; Kimani Gecau (1995). 'Popular song and social change in Kenya', *Media, Culture, and Society* 17: 557-75.

56 Gakaara's novel is translated in Cristiana Pugliese. *Author, Publisher and Gikuyu Nationalist: The life and writings of Gakaara wa Wanjau* (Bayreuth and Nairobi: Bayreuth University and IFRA, 1995), pp.150-62; Ann Biersteker (1991). 'An alternative East African voice: The Wa-Nduuta stories of Gakaara wa Wanjau', *Research in African Literatures* 22: 63-78.

57 And of Thomas Akare also, see Frederiksen in: *The Urban Experience in Eastern Africa c. 1750 – 2000*.

City planning in Nairobi

The stakes, the people, the sidetracking

Claire Médard

Nairobi, the capital of Kenya, is situated in the highlands of East Africa at an altitude of approximately 1800 metres. It was established in 1899 at the time of colonisation by the British and was linked the construction of the railway connecting the town of Mombasa on the Indian Ocean to Lake Victoria and Uganda. The city is located at the junction of the Athi River plateau and the escarpment that overhangs the great East African Rift Valley (the Kikuyu escarpment). To the northwest, the city is dissected by numerous streams and rivers. Once sources of pure and abundant water,¹ today these rivers flow through poor areas deprived of running water and have become open sewers. According to the statistics of the Kenyan census,² the population of Nairobi has greatly increased since the late 1950s, as indicated in Table 1.

TABLE 1: GROWTH OF THE POPULATION OF NAIROBI³

1963	344,000
1979	827,775
1989	1,324,570
1999	2,143,254

Sources: Nevanlinna, *op. cit.*, for the 1963 figures taking into account the new boundaries of the province, defined in 1963, pp. 204–205. *Population Census* 1979, 1989 and 1999, Republic of Kenya, 1979, 1994 and 2001.

Although researchers agree that the official statistics underestimate the population of the greater Nairobi agglomeration,⁴ the statistics do show a trend of population growth that everyone highlights. The remarkable

1 The very name of the city originates from a Maasai expression “Enkare Nairobi” which means “The place of cold waters.” Nevanlinna A.K, 1996, ‘Interpreting Nairobi. The Cultural Study of Built Forms’, *Bibliotheca Historia* 18, Suomen Historalli Seura, Helsinki, p. 91.

2 The total population of Kenya after the last census stood at 28,686,607 inhabitants. The Republic of Kenya, 2001, *Population Census*.

3 To get an idea of the ethnic composition of Nairobi, one must rely on the 1989 census data: 32.37% of the population is Kikuyu, 18.49% is Luhya, 13.50% is Kamba, and 19.18% is composed of other groups. Ethnic data was withheld from the last census (2001) and will not be disclosed in the future.

4 Precise information on the total population of the agglomeration is not available. Official figures for the city’s population are restricted to the limits of the province. Some authors estimate Nairobi’s population to be 3 million inhabitants (Lamba, D. and Lee-Smith, D., 1998, *Good Governance and Urban Development in Nairobi*, Mazingira Institute, p. 18).

population growth and extension of the agglomeration have developed with the increased centralisation in the capital of both the political and economic sectors since Independence. Today, located on the main road between the coast and the Great Lakes region, which is more important than the railway, Nairobi is the primary economic region of Kenya.

Reports on Nairobi evoke two contradictory pictures: is it a colonial city or a slum city? One of the recurrent themes regarding Nairobi is the 'foreign' nature of a burgeoning city.⁵ Some allusions to the colonial city refer to the past splendour of a majestically planned garden city. Others underline the weight of a territorial set-up based on racial segregation between Europeans, Indians and Africans. The city belonged to the Europeans to the extent of marginalising, or even excluding other communities and "popular quarters". For others, Nairobi evokes an ambivalent *self-help city*,⁶ a slum city where one must make do. For a long time Nairobi was considered one of the few sub-Saharan African cities to host large-scale shantytowns. Opposing this rather negative image of slums, one may refer to a more positive interpretation; that of the growing number of semi-legal activities that characterise the daily survival of urban life. These two portraits merge when its colonial heritage is held responsible for the poor development of the city. Beyond these oversimplifications we must see the growth of Nairobi not only in relation to the inherited territorial and land framework, but also its constant growth. Yahya, in his study of Nairobi planning,⁷ chose to begin this way. There exist legal instruments to supervise the use of land; are they being utilised? How so? To what end? Why does one seek to respect this or that rule at any one time? He reveals that the legal tools serve interests other than the common good. Nor do they serve the stated objectives of a defined planning exercise as the best use of land for the common good.⁸ Other underlying influences dictate the use of land, such as the leverage of wealth of the power elite or other ostentatious displays of wealth. Planning finds itself battling against a whole economy based on profits from land rents and land speculation in the hands of powerful people. Nevertheless planning does play a role in regulating land uses and the growth of the city in unexpected ways.

This chapter will deal with the internal organisation of the city in relation to planning. Then, in an effort to explore underlying land and territorial issues, we shall broach the issue of access to the land currently in use in slums, and finally, territorial policies regarding the poor.

5 Robertson, C.C., 1997, *Trouble Showed the Way. Women, Men and Trade in the Nairobi Area, 1890–1990*, Bloomington, Indiana University Press, p. 53.

6 Hake, A., 1977, *African Metropolis, Nairobi's Self-help City*, London, Chatto and Windus, p. 99.

7 Yahya, S.S., 1980, *Urban land policy in Kenya*, Stockholm, Meddelande, p. 8.

8 Simon, D., (dir.), 1990, *Third World Regional Development. A Reappraisal*, London, Paul Chapman. The author suggests a definition of planning which does not relate it to an aim such as the common good (p. XIV). The government of Kenya, on the other hand, firmly presents planning as the best utilisation of the limited resources of the nation (p. 155 of the same document).

A COMPARTMENTALISED TOWN

The city of Nairobi gives the impression of being very heavily compartmentalised. The roots of this segmentation are territorial in nature, in the sense that the political and administrative frameworks of the city play decisive roles. Existing divisions are not only reminiscent of colonial urbanism, but also highlight contrasts between planned and unplanned sectors of the city where the African population, excluded from the colonial city, has been the originator of unplanned “villages”. Today unplanned living areas have gained a renewed significance with the increase of the poor urban population and shantytowns. Nevertheless, the planning inherited from the colonial era and the new urban patterns that have emerged since Independence play an important role in the overall layout of the city and its population. Two schools of thought have influenced Nairobi’s urbanisation: an ideological colonial segregationist movement and functional planning. Nairobi’s planning very rapidly became a major preoccupation with the expanding of the town. Under colonisation, two plans were established: the first, from the South African Jim Jameson entitled *Nairobi Area Town Planning Memorandum* (1927) and the second, *Nairobi, Master Plan for a Colonial Capital* (1948).⁹ The reference to functionalism and the garden city is deliberately modern. Zoning of residential and industrial areas began to take shape. These plans aspired to scientific and/or technical neutrality. However, the standards for urban construction and zoning contributed to racial segregation and played a role in the ideology of the separate development of the races¹⁰. Racial segregation between residential areas is explicitly indicated in the first plan.¹¹ The second plan limits the zoning of residential areas to technical considerations. It acted as a reference following Independence until 1973. It is only after this date that a new plan was prepared, the *Nairobi Metropolitan Growth Strategy*¹², a continuation of the preceding functionalism in the traditional practical ideology¹³ of precedent plans. Today, this plan is considered outdated even though it still serves as a point of reference. The making of a new plan is being considered.¹⁴

9 Thornton White, L.W., 1948, *Nairobi, Master Plan for a Colonial Capital*, London, HMSO.

10 Nevalinna highlights that the 1927 plan defines the durable cultural boundaries of the planning of Nairobi.

11 Ibidem, p. 141.

12 Karuga, G. (dir.) 1993, *Actions Towards a Better Nairobi. Report and Recommendations of the Nairobi City Convention “The Nairobi we want”*, City Hall, July 27–29, p. 15.

13 Measures of decentralisation, even relocation were taken, for example, with the creation of new industrial areas. Nevalinna, op. cit., p. 229.

14 Daily Nation, 31/12/01. The City Council is preparing a new strategic plan for the next 20 to 30 years: The Nairobi Metropolitan Growth Management and Development Strategy.

The planning of Nairobi is defined by the complexity of its implementation. This includes:

- A combination of documents and laws that do not necessarily concur: urban planning itself (successive land use planning) and the orientations defined in the national development plans every four years;
- Several planning units referring to different sets of rules without proper coordination (the planning departments of the *City Council* and of the *Ministry of Lands*); and
- Semi-legal means of coercion: different legal recourses being the *Administration Police* (AP) from central administration and the *City Council Askari* from the urban municipal authority, as well as mercenaries and other illegal methods (deliberate arson).

This introduces a number of urban contrasts, in relation to the heritage of colonial planning, to its growth and renewal. First we will try to address the issue of the existence and the nature of areas associated with different ethnicities and races. Then we shall explore the new divisions that are resulting from the increase of the urban population, and finally we hope to examine the pressure exerted on the current territorial set up.

Racial and ethnic compartments

From the beginning the city included an Indian quarter that flanked the European business sector, the railway sector and government hill. These different areas first appeared without any consideration for an established plan.¹⁵ The formalisation of separate neighbourhoods for the European, African and Indian populations was progressive. In 1913 the Simpson Report brought forward sanitary considerations as a justification for racial segregation and the introduction of buffer zones. These racial zones were officially abolished in 1923. The 1927 Plan nevertheless explicitly defined residential areas in racial terms. The 1948 Master Plan, on the other hand, reiterates its neutrality with regard to this issue and particularly states that social and racial segregation was not desirable, even though the authors of the plan were not optimistic about the present situation evolving rapidly.¹⁶ The 1948 Plan is not an explicit apartheid tool,¹⁷ which explains why it was the basis for city planning until 1973. Zoning and construction standards nevertheless introduced indirect segregation. During colonisation, Indians and Africans alike experienced the demolition of their neighbourhoods pronounced illegal or unsanitary. The road network equally introduced subtle and hidden divisions.¹⁸

15 Morgan, W.T.W., *Nairobi City and Region*, Oxford University Press. p. 104.

16 Thornton White, L.W., *op.cit.*, p. 49

17 In sharp contrast to what some authors have written, as suggested by Nevanlinna (1996, p. 179).

18 Nevanlinna, *op.cit.*, p. 145, with reference to the 1927 Plan.

In the end, rather than city planning, it was other means such as restrictions in land transactions that played an important role in racial segregation.¹⁹

This segregation simultaneously created restrictions both in the working and living areas of Nairobi. During colonisation the Indian and African populations especially suffered from restrictions regarding the areas in which they could live and work.²⁰ The existence of separate residential quarters constituted one of the principal elements of the restriction, excepting the tradition of servants' quarters, lodgings designed for the African employees of a household, themselves firmly segregated from the Indian and European domestics. If one accepts the validity of the statistics laid out in the 1948 Master Plan, approximately an eighth of the residential districts was set apart for Africans, a quarter for Indians, and the rest reserved for Europeans. These area allocations were not relative to the number of inhabitants of each group (in 1944, 60% of the population was African, 30% was Asian and 10% was European).²¹ Population densities varied considerably from one area to the other and contrasting urban norms are partially responsible for this situation.

On the eve of Independence, despite a change in policy regarding the construction of dwellings for Africans, the size of the planned African quarter remained very limited. It was restricted to the Eastern part of the city, limited in the South by the railway line and the industrial area, and in the North by the Indian quarter. African neighbourhoods comprised living areas for employees of the railway line, the native location of Pumwani, and various areas such as Kariokor (designed for retired soldiers).

With the exception of one of the first European establishments, Muthaiga in the North, the European residential sector was situated in the west of the city. Near the city centre, it included Westlands, Upper Hill, and, a little further, Kilimani and Lavington. From the start, the European residential district also extended beyond the city limits, further west, to Karen and Langata.

The Indian quarter was situated between the African and European sectors, mainly in the northern part of the city. The history of these areas indicates an evolution in the policy regarding the Indian population: the 1948 Plan highlighted the necessity to leave space for internal differentiation of housing according to class. In the 1950s, the areas of Ngara, Pangani, and Eastleigh²² were primarily Indian; room for expansion for the richest segments of that

19 Picon-Loisillon, S., 1985, Nairobi 1899–1939. Histoire de la création d'une ville coloniale et étude de la vie économique et sociale de la population blanche, thèse de 3ème cycle, Paris 7, p. 67 and p. 82.

20 Nevanlinna (op. cit., p. 192) highlighted that access to the city was restricted to Africans and noted that the implementation of this system was costly and became unsustainable on a permanent basis. Those without employment were denied access completely. He mentioned briefly the restricted access to the European town (West of Government Road.) The curfew system for Africans and the vetting of identity cards at any moment in all areas of the city are not mentioned.

21 Thornton White, L.W., op. cit., p. 84.

22 The area of Eastleigh was identified as Indian in the 1930s (Nevanlinna, op.cit., p. 174). In the 1950s, the population was a mix of Africans and Indians.

community was made in Parklands in particular. At Independence, changes accelerated and these central residential areas were the first to be Africanised. The Indians, in turn, left the quarter that had been set aside for them, for the European suburbs. They became owners of numerous urban plots of land.²³ In the city centre, the current area known as Biashara Street was part of the old Indian quarter that was demolished several times, relocated and extended. The section of River Road east of Tom Mboya Street was the main extension of this Indian commercial sector.²⁴ At Independence, African entrepreneurs bought it²⁵.

Independence sealed the end of urban apartheid and restrictions to land transactions. If the territorial foundation of racial segregation disappeared, territorial divisions remained and new ones appeared.

The only area in Nairobi that may pride itself on its “ethnic legitimacy” (that goes back to colonial times) is that of Kibera. It was allocated to the Nubi community during colonisation (which community was composed of Sudanese soldiers recruited to the colonial army). The Nubi were legally bestowed with 4198 acres of land near Nairobi in 1918. At first administered by the military and then placed under civil administration in 1948, this land was meant to serve as a “reserve” in the manner of other “ethnic reserves” in Kenya, where a community is linked to a home area.²⁶ Since the Nubi did not possess any original land of their own, some had to be created for them. The ethnic specificity of Kibera residents was preserved with much difficulty in an urban context as, very quickly, other Africans settled within this area. Similar to other shantytowns in Nairobi, Kibera’s population is today very diverse.

In the manner of a preserved or reinvented segregation, some areas are characterised by certain degree of “ethnic homogeneity.” This is the case for example in Eastleigh, where one may find a strong Somali presence, or in Parklands, where a large Indian community still resides, or again in Karen, where the European presence (a result of colonisation) is marked.

The East–West divide

The idea of an East–West divide is connected to the territorial context inherited from colonial days, but carries the risk of creating a false impression of permanence. The idea of an opposition between European, Indian and African parts of town must be examined further.

Just as the town as a whole is segmented, the city centre is divided between a popular Eastern sector and a more opulent Western sector, with its

23 Nevanlinna, op. cit., p. 143. The works of Kimani on this subject, in the 1970s, were quoted by Nevanlinna, (p. 234, 235).

24 As defined by the Simpson Report of 1913. *The People*, 21/06/2000.

25 In his book on land use planning, Yahya dedicated a chapter to what he calls “indigenisation” and highlighted how Africans bought back Indian commerce in the central quarters. Yahya, S.S., op. cit., p. 28.

26 *The East African*, 15–21/07/2002.

skyscrapers and symbolic monuments of power. The border runs along Tom Mboya Street, the former border between the commercial Indian quarter and the business centre of the European quarter. The River Road area in the East is at the heart of most networks of road transport, as well as at the centre of overflowing commercial activity, both legal and illegal (car parts from stolen vehicles, pirated cassettes etc). The neighbouring area of Gikomba, a large market and crafts (*jua kali*) zone, currently semi-legalised, constitutes an extension of this popular centre. It lies alongside the Nairobi River near the Machakos Bus Station. These are areas frequented by city dwellers. There are some, however, who claim actively to avoid this area of town due to the threat of attack and robbery. For those wealthy and motorised Nairobi dwellers, it is the entire city centre and public areas that one must avoid. The lack of security caused them to turn to the large commercial shopping centres that began to appear in the less central areas in the 1980s that are carefully patrolled and easily reached by car. New protected office blocks have also begun to appear on the outskirts of the city centre. One therefore travels by car from one's carefully guarded residence to the patrolled parking areas of one's workplace or entertainment venue. Grouped and protected areas of residence have materialised in the gated communities' style of America and South Africa. If this divide between the East and the West of the city centre has become an issue partly because of the fear of insecurity, it persists psychologically: the River Road area constitutes a popular part of town, yet the border between the safe and unsafe city centres remains tangible.

Outside the city centre, the residential areas west of the city are characterised by the low density of their land occupation (Karen, Langata, Lavington, Westlands). East of the city centre are the old Indian and African residential quarters (Pangani, Ngara, Eastleigh, Pumwani) and the most recent extension of these residential sectors. At Independence the resistance against a less densely inhabited and affluent residential area in the west was popular and obvious, especially since the population in the eastern areas was already growing with the creation of new quarters intended for the African middle classes, while those in the west included the European suburbs of Karen and Langata.

Housing located east of the African quarter of the colonial era, and of the Indian quarter, was bought by Africans immediately after Independence. The density and the considerable expansion of construction are in strong contrast to western sections of town where affluent residential areas are smothered in vegetation and flowers. Known as Eastlands, this sector of town, located between the railway line in the south, and the Mathare River in the north, includes a variety of quarters ranging from slums to maisonettes and well-constructed housing developments intended for the middle class. Planned residential areas coexist with Nairobi's largest shantytown (Mathare

Valley, Korogocho). This mix of shantytown and housing development (*estates*²⁷) is a paradox. Because of the difference in the structures themselves and the income of the inhabitants, it may seem obscure to group housing developments and shantytowns into one category. Within the area, the difference in quarters is hierarchical and there are rules for each. For example, walls are built for protection, and other security measures are installed as soon as means permit. The shape that the urbanisation of these areas takes, and the overlap of these residential areas, is reminiscent of residency policies and the mechanisms of adaptation or diversion of these policies that gave birth to them. Since Independence, projects for housing specifically intended for the middle class have been implemented in these areas and in the city, and have contributed to expanding urbanisation in this direction (Buru Buru, Umoja, in the 1970s, KomaRock²⁸). Housing developments designed for the middle class increased in popularity through the addition of rental units and the elimination of green areas. These transformations lent character to the areas and made them popular. Conversely, projects for the improvement of dwellings of the poor urban population, also put in place by public authorities, have served the interests of the richer population (Dandora) rather than those targeted.

Another growing area, also in the east of town, is along Thika road. To the north, in Githurai or Zimmerman,²⁹ apartment buildings composed of a few stone floors have multiplied due to the initiative of small landowners or individual entrepreneurs (the role of certain key persons is sometimes highlighted.) They are built on old European properties bought by those close to President Kenyatta at Independence and thereafter divided by cooperatives for land purchase. This practice seemed to increase in the 1980s, and after the 1989 census the area included approximately 30,000 inhabitants.

The great density of eastern Nairobi should not mask the changes that have taken place in other areas. If the majority of the population can be found in Eastlands, there are also other concentrated areas, for example Kibera, and the grouping of the Kawangware, Riruta and Kangemi areas, in the west. The growth of these areas that were originally located outside the administrative limits of the planned European quarters is remarkable, so much so that it would seem very harsh today to insist on the divide between a popular east and an affluent west, despite the fact that a great expansion of the popular western areas is restricted by its proximity to poor areas. Kibera, slotted into the agglomeration, seems today to have reached its limits, even though the

27 This term here refers to the whole of the popular middle class sectors of residence at the east of the town. It may also refer to a more restricted part of this sector.

28 One may find some useful dates in Aseka, E.M., 1993, 'Urbanisation', in Ochieng, W.R., *Themes in Kenyan History*, Nairobi, East African Educational Publishers, pp. 44–67.

29 Gichuru, F.X., Sinda, P.M., 1997, *Population Settlement and the Environment within Zimmerman, Githurai and Kimbo estates of Nairobi City (1970–1995)*, IFRA unpublished report, p. 26.

Ngong Road forest that it borders may itself serve as a border. In fact, even though the rich and powerful may not have the means to bend legislation in their favour, the limits imposed by the forest are able to keep the poor at a distance. If the popular areas of Kangemi, Kawangware and Riruta have well-defined limits, popular areas of residence seem to be progressing towards the suburbs, into the old Kikuyu reserves from Dagoretti Corner, or along Kikuyu Road. This area still retains agricultural soil.³⁰ It is important to note that the peculiarity of these areas is reminiscent of the old Kikuyu reserves, where different classes co-existed.³¹ Well-built houses benefit from fragile shelters within these quarters, where some landowners have been settled for a long time.

The decision to build large housing developments intended for the middle class in the south of the agglomeration (Southlands, originally designed for the Indians, South C, South B, Langata's *estates*), of which some border Kibera, equally help to complicate the situation. Thus, in the east, just as in the west of the city, the much-compartmentalised relationship between shantytowns and neighbouring housing developments for the middle class is ever-present.

The east-west divide is fading in favour of more diversification. It is not so much a question of erasing the compartmentalisation of colonisation, but one of a new sharing of space that is a result of the urban explosion.

The last territorial entrenchments

Since Independence the different areas of Nairobi no longer mark racial boundaries but have been preserved with regard to the management of the environment. Planning defines the standards of land use: the separation between building areas and non-building areas, separate residential and industrial zones. Nevertheless, the boundaries continue to run the risk of being pushed back more or less legally. Although in accordance with the current planning rules, the land reserves within the province are practically exhausted.

The competition for land brings changes to the population density and as a last resort the privatisation of public areas, generally accompanied by a change in use of these lands. Certain areas of Nairobi have been the object of an intense construction boom since Independence. The old European neighbourhoods have not escaped this, even though the density of occupation there is lower. In Westlands, important buildings have been built and land use was legally modified. Karen, the area farthest from the centre, has long remained outside this trend. The low density of population in this area has not actually increased since Independence, neither have the rules for construction been modified. Things, however, may change. In 2002, the mayor

30 Lamba, D., 1994, Nairobi's Environment, A Review of Conditions and Issues, Mazingira Institute, Nairobi, p. 17.

31 Rodriguez-Torres, D., 1995, Nairobi: le bidonville face à la ville, Cahiers du CIDEP no 24, L'Harmattan, pp. 63–64. In Kangemi the landowner lives on his property, surrounded by his tenants.

of Nairobi, Dick Waweru, declared that he wanted to increase the density of occupation within this area, and delivered a xenophobic diatribe to the European community in Karen. Some Karen residents had, not long before, spoken against this mayor's decision to increase land taxes considerably.³² If the 'European residential areas' seem underutilised, the public land forms part of the land reserves. Aside from the parks and forests, it includes built-up as well as unspoiled plots of land that are greatly sought after. Only 55 to 60 per cent of land in Nairobi is private. The remainder forms part of public land: 35 to 40 per cent is governmental and 5 per cent is municipal.³³ Corruption scandals have erupted concerning the privatisation of several public plots of land.³⁴ During the 1990s, lands on which educational institutions, roadside shops, markets, and even public toilets have been built were privatised. The municipalities' inherited real estate, although consequential, has also suffered. Several political figures have been implicated, including elected members of the Opposition who controlled the municipality during the 1990s. The use of the last land resources and the dilapidation of public land have become generalised in recent years as the following cases of declassification of parks and forests of the province of Nairobi indicate.

One of the original features of Nairobi, the only urban province of Kenya, is its important natural reserves (Nairobi National Park, and Karura Forest among others). These green areas are the object of a special covetousness: some plots of land have been declassified, and may be repeated. After long preservation, parks, forests and green areas are becoming the object of intense speculation, especially with the increase in agglomeration. In the south, Nairobi National Park was part of the provincial border in 1963. Its territorial integrity has been preserved to this day despite attempts to declassify some of its land. Conversely, the permeable southern border of the park, which allows animal migration, is now threatened by the growing population of Kajiado, and there is a feeling of pressure in the park as it becomes progressively surrounded by a city. Karura Forest is another natural reserve equally under threat. The declassification of some of its land has notably given way to the construction of the United Nations' headquarters of their environmental programme (UNEP). In 1994, the declassification of parts of Karura Forest seemingly became routine.³⁵ Towards the end of 1998, there was a scandal of a large declassification project of forested plots for the creation of a housing development for a corrupt ruling class. They were greedy for quick and easy profit through the quick resale of these lands, and the cause of Karura Forest became the object of demonstrations when

32 Daily Nation 06/01/2002 'Review Planning Laws'.

33 Karuga, G. (dir.) *op. cit.*, p. 22.

34 Since the change in power in 2002, achieved through a campaign with the theme of non-tolerance of corruption, the issue of re-appropriation of illegally obtained public land by public authorities has been broached. It is difficult to accomplish this where legal title deeds were bestowed.

35 Economic Review 3-9/10/1999. A demonstration organised by Kituo cha Sheria.

building began on the plots.³⁶ In September 1998, it was discovered that some of the plots had been illegally allocated to promoters: 1041 hectares of forest land retained their status as forest in 1996, and yet 477 hectares had been allocated to 67 hidden companies between 1992 and 1996. A specialist in urban management at the university, Professor Obudho, defended the corrupt practices of the Moi regime, and was quoted as saying “*that it was scandalous to protect Karura Forest at the expense of men*”.³⁷ In the heart of Nairobi, parks and open spaces for recreation, siestas and preaching have been under threat since the end of the 1980s. In 1989, the Green Belt Movement became famous internationally when it prevented the construction of a sixty-floor media and office building on a plot of land in Uhuru Park. It was to be financed by the Kenya Times Media Trust and Robert Maxwell (the British newspaper tycoon who later drowned after defrauding his company’s pension fund).³⁸ The housing development plan for Jeevanjee Gardens was also abandoned following a successful demonstration. Conversely, a plot of land in City Park was declassified to allow the construction of an Indian religious monument.³⁹

The reclassification of protected green areas to become construction sites may be legal without appearing legitimate from the perspective of preserving a certain quality of urban life. And the growth in population density supplied the pressure for the abandonment of basic principles of urban planning. In poor residential areas, urbanisation works completely outside the law.

The shantytowns, officially designated as unplanned areas, are irregular in more than one way when considered in the light of the presently ignored planning rules. None respects the construction standards and building regulations currently in place. Furthermore, in some cases they are illegal by the very fact of their location. In the case of Nairobi, the legal and illegal occupation of land is clearly marked. It is in the spirit of planning to define the legality of an activity in relation to its location. In Nairobi, shantytowns are found in congested clusters. This is land that can legally neither be built on nor lived on, or whose ownership is in dispute. Shantytowns are characterised by the precarious nature of occupation linked to risks that are either environmental or legal, or even political (flood eviction). For example, riverbanks are the object of intense speculation and have become built-up areas that shelter the poorest inhabitants of Nairobi. Along with the shantytowns of the industrial areas, they constitute the most extreme examples of precarious living.

One of the reasons why the population of Nairobi is difficult to quantify is because of these unplanned living areas. Although in the early 1970s it

36 Daily Nation 09/01/1999, 11/01/1999, 13/01/1999. Sunday Nation 07/02/1999, Firimbi, May 1999. Wangari Maathai and the Green Belt Movement were in the front line. Peaceful demonstrations were withheld because of violence.

37 Sunday Nation 07/02/1999.

38 Sunday Nation 17/01/1999.

39 Daily Nation 28/02/1997.

was estimated that a third of Nairobi's inhabitants lived in areas where it was illegal to build, some estimates from the late 1990s state that up to 50% of the population lives in unplanned areas with minimal infrastructure.⁴⁰ Based on the statistics of the 1989 census, a group of authors agreed to estimate the number of shantytown dwellers at 500,000 people.⁴¹ The two largest shantytowns are Kibera in the west and Mathare in the east, which each account for 147,000 inhabitants.⁴² Some estimates of the population within these areas are much higher. For example, the population of Kibera was estimated at 800,000 inhabitants in 2000, according to another author.⁴³ The boundaries of these areas that are surrounded by planned neighbourhoods nevertheless remains restricted.⁴⁴ Their surface area is equivalent to between 1.5% to 5% of the total available land, according to two different sources.⁴⁵ The unplanned town therefore shelters a significant percentage of Nairobi's population, even though it covers a relatively small surface area. These unplanned residential areas are actually towns within the town despite their marginalisation, which has its roots in territorial exclusion. The land on which shantytowns are constructed may be considered as land reserves by some, and this also contributes to perpetuating the precarious nature of life in these shantytowns. The illegal town is not simply the unplanned areas in the planned city. Any link between the legal proprietorship of land and respect for the planning rules is not evident. When land is not legally possessed, there is no reason for planning rules to be observed (although they sometimes are observed, in the hope of legalisation *a posteriori*.) Interestingly, it is necessary to highlight that ownership of land is sometimes legal within the shantytowns. Grasping the concept of an 'illegal' part of town is all the more difficult considering that, through a legal loophole, land ownership may very well become legal. It is not restricted to poor residential areas, or to shantytowns even though these do serve as the most obvious examples of its interpretation: it is not always so easily identifiable (certain types of construction are characteristic of land on which there should be no building.) Some well-built constructions may remain just as illegal according to the rules of land use. We see here that the notion of legality cannot be divorced from that of legitimacy by reason of

40 Karuga, G., op. cit., p. 16. Lamba, D., Lee-Smith, D., op. cit. p. 18.

41 Hirst, T. and Lamba, D. 1994, *The Struggle for Nairobi*, Mazingira Institute, Nairobi, p. 171 and Lamba, D., Lee-Smith, D., op. cit. p. 27.

42 Lamba, D., Lee-Smith, D., op. cit. p. 27.

43 Burton, A., op. cit. p. 23. The author does not reveal his source of information.

44 Rodriguez-Torres, D., 1995, *Lutte pour la vie, lutte pour la ville*, Doctoral Thesis, Bordeaux University I, p. 142. The author provides estimates of the population as well as the surface area of Nairobi's main shantytowns: 200,000 inhabitants for Mathare over 8x3km; 150,000 inhabitants for Kibera over 4x5 km; 100,000 inhabitants for Kawangware over 4x4 km; 50,000 inhabitants for Kangemi over 3x4 km.

45 The difference is without doubt due to differing references to the relevant surface areas: do they speak of the entire province or the province's construction zones? Hirst, T. and Lamba, D., op. cit., p. 171 (1.5%). The Provincial Commissioner of Nairobi, Cyrus Maina, provides other estimates: 5 per cent (Daily Nation, 14/11/2000.)

such existing differences. Although it is legal, it isn't necessarily lawful to eject the inhabitants of 'popular areas' because these have been acquired privately, when the process of privatisation of land is awash with irregularities.

Residential areas range from large green areas to 'popular areas' to which there is much less attachment. The racial divisions that constitute the structure of Nairobi continue to leave their mark. One should not underestimate the weight attached to the basic inherited territorial framework. It must be highlighted, however, that the rift renews itself in a new sense. The considerable population growth of Nairobi since the end of the 1950s has revealed the important role of the most popular residential areas of Nairobi. The extension of these last in the east (Eastlands) highlights this. These areas contribute to perpetuating the east-west rift, as well as giving it a new dimension.

From the ideal of planned separate living areas (apartheid) we come to that of the opposition between a planned city and a haphazard city. However, the impression of an associated economic and territorial segregation is deceptive. The haphazard city is the source of dynamic urbanism that is unique to Nairobi. It is an integral part of the process of urbanisation. Let us now move to a deeper examination of the territorial elements that characterise urbanisation in Nairobi.

SHANTYTOWNS: WHO CONTROLS ACCESS TO LAND?

In Nairobi, the term *squatter settlements* is sometimes used to refer to unplanned areas. The term 'squatter' refers to the illegal occupant of land. It is commonly used in Kenya with reference to the days of colonisation and African occupation of land owned by Europeans. There are a number of ways to look at this situation. For example: is the occupied land privately owned or government-owned? In what capacity is the occupant living on the land (landlord, tenant)?

Ownership of land in the unplanned residential areas is a delicate matter. On one hand there are a great number of issues depending on the physical area in question and, on the other hand, considered on a case-by-case basis, 'ownership' of the land may have different meanings. In the case of shantytowns built on government land, as in Kibera or Korogocho, the 'landlords', or 'renters', as opposed to tenants, do not possess any legal title to the land. They are unofficial landowners. In other cases, landlords may also own the land. However this is less common within slums. It is much more common in certain areas that were amalgamated to the province of Nairobi in 1963, and which had previously formed part of the Kikuyu reserve (Kangemi, Kawangware, Dagoretti). There are other cases, as in Mathare Valley, in which land ownership is contested, where different types of ownership exist concurrently against individual, private ownership. What is confirmed is that

the allocation or protection of a right to land, whether legal or illegal⁴⁶ very much depends on fickle political or administrative support. With the ongoing struggle for land, gaining control of the broken up plots of land is a long drawn-out exercise.

According to certain authors,⁴⁷ it was still possible at the end of the 1960s to speak of unplanned residences such as illegal homemade shelters on private and public lands. Today the vast majority of shantytown inhabitants are tenants. The advent of the 'tenant' category goes back to the origin of these areas: adding rentable property to one's land provided considerable additional income. Far from being liberated, access to land basically continues to be managed by the central authority.

Here follow a few basics of regulations on access to land and housing within the shantytowns. There are severely contrasting versions of land appropriation within the shantytowns based on history, the duration of occupancy, location, and status of the land. We will firstly broach land ownership in shantytowns built on government land, followed by other types of "ownership" and the subject of *slumlords*.

Government land

In November and December 2001 an exodus of many residents of the Kibera slum was caused by incidents of violence that culminated in the death of 12 people and injured hundreds.⁴⁸ The violence began when residents rose up in a boycott following a speech by former President Moi at a public rally. In the presence of Raila Odinga, then Member of Parliament for the constituency, he mentioned the inflated rent of lodgings in Kibera, and pointed out that the slum was constructed on government land, thus questioning the legality of the "landlords" in Kibera. His speech followed a previous statement regarding housing in Korogocho, another shantytown built on government land, east of the city.⁴⁹ The violence that ensued in Kibera threatened to extend to other popular residential areas of Nairobi.⁵⁰ In Kibera, inhabitants were under fire from Raila Odinga's Luo militia, as they demanded a 50 per cent reduction in rent rates, led by the Kikuyu and Nubi majority who were eager to defend their own interests. Mercenaries were paid to protect the interests of the

46 In some cases, individual allocations are endorsed by the administration despite the fact that they do not result in individual titles to property. In other cases, title to the property is legal, but allocation to it was not.

47 Ross, M.H., 1973, *The Political Integration of Urban Squatters*, Evanston, Northwestern University Press, p. 95. Ross highlights a change towards the end of the 1960s; until then, unplanned dwellings may still have existed.

48 The People 07/12/01. Goux, M.-A., 2002, *Les événements de novembre-décembre 2001 à Kibera*. *Annuaire Afrique orientale* 2002, Paris, L'Harmattan, 2003, pp. 325-344.

49 Daily Nation 14/12/2000. Tension in Korogocho following a visit by President Moi. Tenants urged to respect their contractual obligations to "structure owners."

50 In March 2003, similar conflicts over rental housing exploded in Mathare, but in a different context (in Mathare, land is not uniquely government-owned, it is also privately-owned.) Daily Nation 19/02/2003.

“landlords” and to respond to the gangs organised by the ‘tenants.’⁵¹ At the height of the violence, two Christian churches and a Mosque were burned down.⁵² The police force proved itself to be powerless in this crisis, and the special forces of the GSU (General Service Unit) were sent as reinforcements. Followers of the clashes saw the tenant/ “landlord” problem in the context of the recurrent Luo/Nubi antagonism⁵³ echoed in the religious non-Muslim/Muslim divide, as well as in that of the 1990s Opposition versus KANU (Kenya African National Union) the party then in power. During the crisis Raila, himself a Luo, joined KANU. The change in allegiance and the coming together of President Moi and Raila Odinga, long perceived as adversaries, upset the usual trends of thought. Clearly, the populist position adopted by President Moi was expected to rally the Luo behind Raila Odinga, and thereby KANU. Further, the “owners” of the dwellings were not all Nubians, nor all the “tenants” Luo. The Kikuyu establishment was long-standing, as the 1928 settlement of families in Dagoretti, Riruta and Kabete indicates. The alliance between the Nubi and the Kikuyu remains. A hidden agenda behind election talk to regain control of land is improbable.

The surface area of government land in Kibera has shrunk over the years. During colonisation, some lands were hived off for the construction of residential lots (Woodley Estate, built in the 1950s) or the creation of other establishments for Europeans, such as golf courses. Between 1962 and 1988, structures were built (Jamhuri, Otiende, Ngei, Onyonka, Fort Jesus, Salam, Soko Mjinga, Olympic, Ayani and Kibera High Rise) some of which (Olympic, Ayani) have mostly benefited the Nubian community. Today there are only 300 non-privatised acres, compared to 550 acres in 1971.⁵⁴ Faced with what appeared to be a Nubian raid, the allocation of individual titles to land to the Nubian community, perceived in the 1990s to be pro-KANU, was suspended by the administration with a consistently delayed promise of reinstatement. According to the *Provincial Commissioner*, the process of demarcation and allocation of titles of property began in 1999 in Kibera; it is to conclude soon, and will be followed by the registration of land in other shantytowns.⁵⁵ It seems the allocation of titles of property has only raised tempers and created more problems than it solves.⁵⁶ Some government land in Kibera has thus

51 Anderson, D.M., 2002, “Vigilantes, Violence and the Politics of Public order in Kenya,” IFRA, BIEA Conference on crime July 2002, p. 7, also published in *African Affairs* 2002, 101, pp. 531–555. The author highlights that the mercenaries employed by the “landlords” may have been members of the Mungiki sect.

52 The People 06/12/01.

53 Clashes between the Nubians and the Luos have occurred before, in a political context. *Economic Review* 23–29/10/1995.

54 Daily Nation 7/12/2001.

55 Daily Nation 12/12/2001.

56 Daily Nation 29/10/1996. Some land has been illegally allocated.

been legally privatised over the years, whilst the remainder is the object of semi-legal appropriation, in which the administration plays a central role by issuing temporary authorisations for occupation that are semi-legal, since they affect land which cannot be built on. President Moi omitted this when he pointed a finger at the 'landlords' in the conflict that he aroused between them and their 'tenants.' A semi-legal system of private appropriation of public land was established through the territorial and municipal administrations. The President's statements may well have brought to light the illegality of land ownership within shantytowns but he was careful not to question the role of the administration in the formalisation of this illegal ownership of land. Moi asked the Provincial Commissioner of Nairobi, head of the province's territorial administration, to ensure that the rates of rent in Kibera remained affordable, even while its own administration was implicated in a system of allocation of government land that contributed to maintaining the warped relationship between 'landlords' and tenants.⁵⁷ For Kibera there is a semi-official type of recognition of the private appropriation of government land, an intermediate document (containing the plot number and receipt) that is issued by the administration. According to the then Home Affairs Minister, Sunkuli, in 2001, there were 22,000 'landowners' in Kibera that were registered as 'sub-tenants.'⁵⁸ The role of the administration in semi-legal access to land is reshaped at all levels. Non-constructible land is semi-legally allocated by the administration, at times with devastating results.⁵⁹

In other insecure residential areas there are similar mechanisms of land management to those in Kibera, also run by national or municipal administrations for government land, as highlighted in published newspaper articles during incidents of eviction. The "landlords" complained about having been ejected despite the fact that they had paid the local administration for the right to build on the land.⁶⁰ In August 1996, the eviction of 20,000 people⁶¹ was ordered from the shantytown of Mukuru kwa Njenga, built near the Imara Daima housing development in the south. It is safe to assume that the order came from the central administration, as it was the Administrative Police (AP) and hired thugs that carried them out. The sector is built on land that the government wanted to privatise. Two potential buyers (an Indian and a Ugandan) were mentioned.⁶² The press provided valuable insight into the cost of the illegal occupancy of government land, both for residents,

57 The People 27/11/2001.

58 Daily Nation 7/12/2001.

59 Daily Nation 12/12/2001. In the 2001 floods, 1,000 people were displaced in Kibera.

60 Daily Nation 30/8/1996. "We have not been here without the Government's knowledge. The chief, through his agents, was given money before anybody could begin construction here."

61 According to The People 30/8–5/9/1996.

62 Daily Nation 02/09/1996.

and for 'owners.'⁶³ The Mukuru kwa Njenga case illustrates the insecurity of these corrupt land allocations, particularly in the light of power plays between authorities. A member of a lower level administration may authorise construction, only to have it revoked at a higher level of administration, sometimes for the benefit of another allocating agent that enjoys better political relations. In this unstable environment, political protection is bought.⁶⁴

The central government has periodically attempted to control allocations of these lands, especially by limiting the local authorities' power to allocate land⁶⁵ (the municipality, in Nairobi's case). This management effort has resulted in a concentration of power in the hands of the national administration without having any effect on corruption. These examples underline the vulnerability of government lands and municipalities, the complicity of the administration in an illegal but lucrative system, as well as the relative ease with which the statute on lands may be modified and government lands privatised. It is doubtful whether government lands still exist in Kibera, the majority having been privatised.

Real Estate Companies

Unlike Kibera, the Mathare Valley slum essentially originated on private land. Relegated to the slopes and valleys from its original site to the north of Juja Road, the shantytown was considerably extended downstream above its convergence with the Nairobi River. New sectors of the shantytown are named differently and include land whose status is variable, namely government and municipal land.⁶⁶ Korogocho, on government land, is the most distant point of the shantytown. Further downstream, at the level of the Dandora housing development (Phase 4/5), construction continues.

Although it consists of simple stone shacks, it is a sign that a title deed has been obtained by a real estate speculator.

Over time, the status of lands and the nature of lodgings have changed. Some shantytown sectors have been replaced by proper constructions in connection with projects for the betterment of housing for the poor or private speculation. Insecure residences are relegated to the bottom of the valley or

63 For an owner, 20 lodgings (a Ksh 100,000 investment): Ksh 35,000 would be given to an agent of the person in charge of the plot, Ksh 4000 in addition for the youth (the prominent intermediary role played by the KANU Youth administration, a political militia for President Moi's party.) The other residents will have been pressured to pay Ksh 2500 to the Village Elders. *The People* 30/8–5/9/1996.

64 *The People* 6–12/9/1996. An ex-MP is accused of having taken advantage of the situation to demand "protection money." The inhabitants gathered together Ksh 106,000 for the National Youth Development Fund (a fund that is a means for the administration to obtain more money.) The politician asked for more than this amount, and in all, collected Ksh 300,000 from the squatters. He did not keep his promise to protect them, and the inhabitants were wondering whether he would return the money.

65 *Daily Nation* 19/11/1988. *Kenya Times* 20/6/1989. Further, too many people may issue licences, *Kenya Times* 19/6/1990.

66 Rodriguez-Torres, D., 1995, Nairobi: the shantytown opposite town, CIDEP Book no 24, Paris, L'Harmattan, p. 50.

far downstream, near the main cluster. With the extension and relocation of the shantytown, land issues in Mathare Valley have greatly evolved. The land has changed hands but is still in great demand. With the aim of defending *squatters'* rights (sometimes they are themselves real estate speculators,) several types of collective ownership have developed that prevent private speculation from stopping.

The original location of Mathare Valley, near Eastleigh, was the old Indian reserve.⁶⁷ This explains why, in the 1960s, landowners in this area west of Mathare were primarily Indians.⁶⁸ Towards the end of the 1960s, following the same method rurally established for the resale of European land, land-buying cooperatives were created in Mathare by squatters who hoped thereby to buy back the land that they were illegally occupying. As is the case in other parts in Kenya, the creation of such cooperatives for the purchase of land usually serves the interests of political entrepreneurs rather than those of the squatters for which they theoretically exist. Unfortunately, the cooperatives' practice of embezzlement and misappropriation for political reasons or for profit is becoming the rule. The companies created in Mathare are certainly no exception to this rule.⁶⁹ In the absence of individual title deeds to the land (at best only one title deed is issued for a plot of land that is to be subdivided) ownership becomes flexible: the list of owners is constantly reviewed and corrected, with some of the more influential cooperative members firmly monopolising all collected monies and even appropriating the land by taking out titles in their own names. The cooperatives were the object of incessant litigation, so much so that their termination was announced by the administration.⁷⁰ From their inception the land-buying companies became the new players of real estate in Mathare Valley. The influential members of these companies built housing developments for personal gain regardless of the deteriorating circumstances of other members.⁷¹ These last remained squatters whilst new owners came up, seemingly more determined than ever to evict them. Incidents of arson became common in Mathare and were a way for part owners of land and other speculators to take possession of a plot.⁷² Far from bettering the conditions of the poorest, the land-buying companies cemented the inequalities or created others.

Faced with this situation, rehabilitation projects in Mathare were put in place. In general, they were housing construction projects that did not cater

67 Thornton White, L.W., op. cit., map entitled Existing Population Distribution.

68 Nevanlinna, op. cit., p. 238.

69 Out of 21 companies created towards the end of the 1960s, only 2 have not been corrupted.

70 Which termination didn't actually take effect. See Medard, C., *Territoires de L'éthnicité: encadrement, revendications et conflits territoriaux au Kenya*. Doctoral thesis in Geography ; Paris I-Panthéon-Sorbonne University, 1999, p. 262.

71 Rodriguez-Torres, D., 1995, p. 55. Some government officials and civil servants were participants in the speculation of the land-buying companies.

72 Ibid., p. 53. The author highlights that these incidents of arson were deliberate.

for the poor and, in fact, merely worsened the circumstances of the poorest. Amongst these projects the plan for the rehabilitation of Mathare slum A4, which was to cater for the least-favoured was not an exception. Instead of dealing with the burning issue of land ownership, this project chose to use the shady system of simultaneous land ownership despite the difficulties that had materialised with current deals of the same nature⁷³.

Outside these living areas, other types of land-buying companies existed, and assisted in the creation of housing estates. This is the case in the popular area of Githurai, and other ongoing housing projects around Thika Road. These types of institutions, which in many cases were the only means of gaining access to any land even for the middle and upper classes, did not have a good reputation because of widespread plundering. The difficulty came from the legal guarantees offered to participants: only one title deed was issued until the land was developed and equipped and mortgages arranged. The area of Mountain View, near the 'popular quarter' of Kangemi is an exceptional example⁷⁴. It was a housing estate designed for the upper class, built on ex-European property, for the purchase of which the inhabitants of Kangemi were asked to contribute, but which was thereafter misappropriated and registered in the name of a person close to Kenyatta before being resold to a real estate developer. Thus, land that should have benefited Kangemi residents was the object of misappropriation and became a housing estate for the wealthy.

It is important at this point to highlight the uncertainties associated with shared ownership of land. Usually designed as a vehicle for the engineering of private sole ownership of a piece of land, the land-buying companies revealed themselves to be little more than instruments of plunder. No mechanism seems to have worked as a means of self-protection against the possible malfunctioning of the system because of the collusion of political and economic interests.

SLUMLORDS

With the advent of the more or less legal privatisation of government lands in Kibera and the land-buying companies' monopolisation of land in the Mathare area, the landlord (owner) or *slumlord* (lord of a slum) became omnipresent, whether he owned title deeds or instead was simply politically well connected and therefore protected. The collusion between the government's power and control and access to land resources was blatant. Some entrepreneurs in politics who were searching for quick profits shrewdly invested in the rental

73 An example cited by Deyssi Rodriguez-Torres in this publication.

74 Rodriguez-Torres, D., op. cit., p. 45.

sector as well as the slums. Locally these land ‘owners’ have considerable power, as the term ‘slumlord’ implies, and also carries an undertone of illegality and violence.

Political patronage is the most efficient means to acquire land in Kenya. Land resources have diminished from one regime to another. The transfer of European lands to Africans was almost completed under Kenyatta’s presidency. Many Kikuyu entrepreneurs benefited from this transfer, especially in Nairobi. Competition from the Indian community was lively, since Indians had proven themselves very capable of mobilising important capital. It was previously mentioned that the interests of persons close to Kenyatta were served in the case of Mountain View housing estate in Kangemi. However, there were many other examples (Githurai, etc). There were not the same land resources available in President Moi’s era. However, the administration was careful to keep government land under its control and in the 1990s there developed the privatisation of certain plots of this land by the ruling class, which in turn brought back to the debate the issue of the use of government land, as well as producing evictions.⁷⁵ Privileged links with Moi and his power allowed others to get involved in ongoing property deals.

In the slums political protection was even more important, given the illegality of construction. This would come either in the form of political support in the context of property transfer, or in arbitration where the value of the land was in dispute. Having a business, an essential requirement when acquiring land, effectively locked out the poorest; the land was monopolised by influential people. Therefore, towards the end of the 1970s, complaints began to arise in Mathare and Kibera:

According to the secretary for the circumscription of Langata, Mr. Ratib Hussein, the allocation of plots has become a large protection racket. Some people own up to eight plots of land that are rental properties, and live elsewhere.⁷⁶

The construction of rental properties in the slums was a profitable means of investment (low cost) for those who had the necessary protection available to them. In this way several powerful Kikuyu became owners or builders in Kibera and Mathare in the Kenyatta era. The slumlords then materialised. Political protection did not always suffice in itself, and the role of gangs or mercenaries that were recruited by certain “owners” to defend their interests became stronger despite the possibility that the very same gangs might eventually turn against their employers. Following the conflicts of Kibera and since the advent of the “rent strikes” in the areas of Eastlands, some owners

⁷⁵ The term eviction lent to West Africa expressively describes the coercive practices that were supposedly aimed at encouraging respect for ownership of land, the rules and regulations dictating the use of land, and the standards of urban construction.

⁷⁶ Weekly Review 04/05/1979

organised themselves and engaged mercenaries to defend “their” lands⁷⁷. It seemed a diversion had been created. In February 2003, during riots for the lowering of rent rates in Mathare (Mathare North), it was learned that certain gangs that collected rents did not in fact convey them to the ‘owners’.⁷⁸ Urban violence had crossed another boundary, it seemed.

It is important to understand the extremely codified role of the administration in the illegal distribution of land that, in this way, became semi-legal. This was significant in the case of the management of government lands. The policy also relates to the management of land-buying companies. In the context of the general process of privatisation of land in Kenya, a disparity is seen between those who are able to validate their legal right to a piece of land and those whose rights of occupation are not recognised. The urban territories that are illegally occupied by the poor are lands very much in demand and are the object of intense speculation. The land problem in the popular areas is linked to the general competition for land and therefore to urbanisation in other areas of the town. It is in this context that the question of the original statutory provisions for land (government land, municipal land and private land) becomes important; some statutes are particularly vulnerable in the current political context. Towards the end of Moi’s regime, the public domain was particularly sought by powerful people (within the President’s camp as well as in the Opposition) as is indicated by the cases of municipal lands being managed by the municipal authority or the Opposition. Over and above the question of statutory provision, the existence of individual property title deeds that correspond to the current occupation must also be taken into account. The public domain began to disappear with privatisation, just as private property sometimes masks joint ownership. If the original statutory provisions are in fact in force, the uncertainties linked to land ownership with relation to those in “joint” ownership or semi-legal statutes matter even more.

The uncertainty that surrounds land ownership may assist in explaining the risky manifestations of urbanisation. The process of land privatisation in itself contributes towards worsening the land and real estate crisis because of its economic importance. The all-powerful administration facilitates collusion between different powerful parties, and in that sense a minority is monopolising the land. The informalities play down the importance of the rule of law with regard to those practices that reside at its very margins, especially as they imply a codification of illegal practices. Contrary to expectations, they do not form an isolated sphere of activity of the instituted political power.

77 D.M Anderson highlights that the massacre of March 3rd, 2002 in Kariobangi North, resulting in 20 deaths, must be mentioned in this context. D.M. Anderson, 2002, art. cit. Maupeu, H., Mungiki et les élections. ‘Les mutations politiques d’un prophétisme kikuyu’, *Politique africaine : Les sujets de Dieu*, n° 87, 2002, 117–137. Maupeu, H., *Physiologie d’un massacre : la tuerie du 3 mars 2002 Kariobangi North (Nairobi, Kenya)*, *L’Afrique orientale, annuaire 2002*, Paris, L’Harmattan, 2003, pp. 345–373.

78 Daily Nation 23/02/2003.

THE TERRITORIAL CONFINEMENT OF THE POOR

The urban practices of the poor (illegal habitats and survival tactics) are at odds with the functionality of urban planning. The surrounding economic activities (small enterprises and crafts) are an aspect of the vitality of these 'popular residential quarters', as well as other areas of town, including the centre. Despite being linked to illegal boundaries, an urban town now exists. It is laid out on several levels and extends to entire living areas situated in zones that have been classified as non-constructible, as well as to roads, small enterprise activities (hawking) and crafts which are carried out on the pavements or on the roads. While remaining very confined and limited to certain areas, Nairobi sometimes gives the impression that it occupies any available public space. In this context, public space also becomes the last resort for the extremely poor (street children).

An examination of the last four years allows us to retrace the government's official position with regard to the poor of Nairobi. Some scholars say the 1970–1974 Development Plan contained elements that marked an official change in attitude,⁷⁹ while for others these elements were in the next plan.⁸⁰ Until the beginning of the 1970s, the policy of the destruction of illegal 'living quarters' was not officially affected. The 1970–1974 plan is the first to invoke the specific problem of the accommodation of the poor population in Nairobi, and recommends the provision of 'living quarters' in self-construction (site and service schemes).⁸¹ Following this, the same declarations of intent in favour of the poor are present in every plan. Different solutions were proposed, from the discontinuation of evictions to the construction of accommodation, through the relaxation of the current standards of construction.⁸² When it sought to action these proposals, the official position is not so easy to understand. This is undoubtedly why scholars do not agree on its chronology.⁸³

The government policy with regard to economic activities within the city expresses the same hesitations. Officially, the government's attitude had evolved, it had re-appropriated the term *'jua kali'* (Kiswahili for hot sun—refers to roadside labour and craftsmen) and the relevant activities were presented as initiatives for development. Some lands were officially confiscated

79 Rodríguez-Torres, D., op. cit., pp. 50–51.

80 Syagga, P.M., 2000, 'Trends in Urban Housing Strategy for Kenya into the Next Century', in Obudho, R.A., Ojwang, J.B., Issues in Resource Management and Development in Kenya. Essays in Memory of Prof. Simeon H. Ominde, Nairobi, East African Educational Publishers, pp. 258–270.

81 United Nations Centre for Human Settlements (HABITAT), 1987, Case study of sites and services schemes in Kenya. Lessons from Dandora and Thika, Nairobi, p. 17.

82 The 1974–1978 Plan reverses itself where the relaxation of the standards of construction is concerned, compared to that of 1970–1974 (United Nations Centre for Human Settlements, 1987, p. 17), whilst that of 1989–1993 brings the proposition back.

83 Some authors chose to present a version of the evolution of the policies for accommodation as very minimally critical to the Moi regime. According to them, during his presidency, the slums were accepted and no more steps were taken to abolish them. (Syagga, P.M., 2000).

and allocated to small craftsmen in all towns.⁸⁴ This was a way to control the economic sector. Most of the craftsmen and sellers, however, did not benefit from those measures that were meant to benefit the *jua kali* sector.

Paradoxically, the operations for territorial control were the first to highlight the importance of planning in Nairobi. The policies for improvement of accommodation were another side of planning, which, far from responding to the stated aim of abolishing poverty, were generally discarded.

Eviction

Nairobi has a strong tradition of territorial control where the poor are the first to suffer. Depending on the case, evictions are carried out either by the police force or by gangs or mercenaries on the payroll of politicians and other powerful men. Ordinarily, the AP (the Administration Police) who depend on the territorial administration and the *City Askari*, the municipal force, come into action either at the behest of the government for the former, or the municipal authority for the latter. Recourse to mercenaries is usually a privilege reserved for private landowners, but not uniquely. Deliberate arson is another means often utilised to evict a population, as is the case especially in Mathare.⁸⁵ For a long time the public authorities were able to justify their recourse to violence by stating that they were attempting to control the urban population.⁸⁶ It was sometimes difficult to steer clear of the demolition of a small entrepreneur's dwelling, or that of a craftsman. If certain excessive actions were aimed at the residential quarters, others were specifically pointed at the activities of the small entrepreneur and the craftsman.

Illegal residential quarters

With regard to territorial control, the 1960s and the beginning of the 1970s were not as irregular as in colonial times. Many authors, especially Kenyans, insist that there was a change of policy in the 1970s, a change that would mark the end of the eviction of squatters.⁸⁷ Evidence however suggests that there was a resurgence of evictions towards the end of the 1980s and the start of the 1990s.

Some authors even mention mass evictions until the beginning of the 1970s. Aside from Kibera and Mathare, all illegal living quarters were systematically destroyed. Towards the end of the 1960s, government policy was to encourage urban squatters to return to their villages in the country. For

84 King, K., 1995, *Jua Kali Kenya, Change and Development in an Informal Economy. 1970–1995*, London James Currey, p. 32.

85 Standard 16/04/2000: an incident of arson in Mathare left 300 people homeless.

86 Hake, A., 1977, *African Metropolis, Nairobi's Self-help City*, London, Chatto and Windus, p. 99.

87 See Syagga, P.M., 2000, op. cit, or Obudho, R.A, Aduwo, G.O., 1989, 'Slum and Squatter Settlement in Urban Centres of Kenya: Towards a Planning Strategy', *Netherlands Journal of Housing and Environmental Planning*, vol 4, No 1.

President Kenyatta the capital must not resemble a slum.⁸⁸ During 1970–1971 demolitions in these areas left 48,000 homeless.⁸⁹ They included the Kaburini incident in Eastleigh in 1969: 370 families were evicted. Five years later, these families were awarded a Site and Service Scheme near Karura Forest.⁹⁰ This eviction has become a reference: the responsibility of the City Council to relocate the population was finally recognised after an arduous battle. The slow pace of relocation presented another problem.

In 1975, the City Council's policy of eviction was still the order of the day.⁹¹ The slums of Gikomba were destroyed: 10,000 people were left homeless.⁹²

The end of the 1980s and the 1990s were marked by a resurgence of these demolitions. Towards the end of the 1980s "Operation Bulldozer" was launched. Aimed at establishing respect for the regulations concerning construction sites and materials in 75 different zones in Nairobi, it began in 1989. The 1990s began with the violent eviction of 2000 people and 600 kiosks near the Machakos bus station in Muoroto. These illegal constructions were built on government land. The responsibility for this operation fell on Mayor Fred Gumo, then accused of tribalism; he was not Kikuyu, unlike previous mayors. Gumo in fact stated that he was not aware of the eviction. The Moi administration did not relish being accused of having organised these deeds of destruction. Following this event the Nairobi City Commission decided to forbid the demolition of kiosks and other illegal constructions without consulting a special committee.

In November 1990 while the Muoroto incident was still fresh in everyone's mind, the village of Kibagare in Kangemi was destroyed and, according to the press, 30,000 inhabitants were affected.⁹³ Later in the year the eviction was demanded of 50 families who had rebuilt on the site. In 1993 the press denounced the conditions of 2,000 people near Wilson Airport and the demolition of the Kenya Creameries Cooperative (KCC) Village in December of the same year. In August 1996 eviction threatened the 20,000 inhabitants of the Mukuru kwa Njenga slum⁹⁴ but it was suspended. Two days later, it was the turn of Mbagathi Village (situated between South C Akiba Estate and Langata Road) which was destroyed.⁹⁵ In October 1996 a deliberate incident of arson destroyed the village of Soweto, a village of 947 inhabitants in the wealthy residential area of Spring Valley built on private land belonging to S.

88 Stren, R., 1975, "Urban Policy and Performance in Kenya and Tanzania", *Journal of Modern African Studies*, 13, pp. 267–294.

89 Hake, A., 1977, p. 99.

90 SiNA newsletter, Settlement Information Network Africa, 12/1986.

91 *Weekly Review* 28/07/75.

92 SiNAina 12/1986.

93 *Daily Nation* 22/11/1990.

94 *The People* 30/08–05/09/1996.

95 *Daily Nation* 22/08/1996.

Githunguri, a businessman with good connections to the Moi regime.⁹⁶ The residents had been occupants of the area for 12 years and because of this fact could have been considered legal occupants of the area. Following the event, the suspension of evictions was announced. Nevertheless threats continued to be hurled in December and January by criminals, the administration and the police. In November, a District Officer and chiefs affirmed that they were able to settle the homeless Soweto residents near Kayole, an area situated in the popular Eastern area of Nairobi. 1100 residents contributed Ksh 520 each in the hope of being settled in an alternative safe location. They were taken by City Council trucks to a site from which they were immediately chased (it belonged to someone else) and transferred to an unsanitary place. A third of these people returned to Soweto. This incident illustrates the collusion between public and private interests. At this time, S. Githunguri was a fierce defender of KANU.

The destruction continued despite the suspension. In January 1997 the City Council Askari and the Administration Police demolished kiosks and dwellings in Kayole.⁹⁷ In 2002, the demolition of Galole village in Eastleigh, near the Moi Airbase rendered 2000 people homeless.⁹⁸

Despite several incidents that were the work of the national administration, and the many repeated claims of changes in policy as well as the suspension of evictions in the poor sectors, the existence of policies of eviction were revealed as it became established practice.

Small enterprises and street crafts

Many works have highlighted the economic importance of small business enterprises including the craft industry of Nairobi, generally defined as “the informal sector.” During colonial days, this area of activity was considered specifically “African” and therefore rigidly controlled. The role of women, especially in the food industry, was conspicuous.⁹⁹

Since Independence, the policies regarding illegal commercial activities that are conducted for survival purposes has been ever-changing; one day endorsed, the next banned. Despite various demagogic discourses, these industries have remained tightly monitored. Some sectors, such as the transport sector, have managed better than others.¹⁰⁰ In pre-election times, measures taken to stop small enterprises and street crafts are distinctly more relaxed. The monitoring of these activities, especially in the town centre, remains sensitive. Several

96 SiNA newsletter no 37, March 1997, and no 40, November 1997.

97 Daily Nation 23/01/1997.

98 Daily Nation 13/07/2002.

99 Robertson, C.C., *Trouble Showed the Way, Men and Trade in the Nairobi Area, 1890-1990*, Bloomington, Indiana University Press, p. 341. Sheldon, K., 1996, *Courtyards, Markets, City Streets. Urban Women in Africa*, Boulder, Westview Press, pp. 47–71.

100 Werlin, H.H., ‘The Hawkers of Nairobi: The Politics of the Informal Sector’, in Obudho R.A., 1981, *Urbanisation and Development planning in Kenya, Nairobi, Kenya Literature Bureau* pp. 194–214.

well-located kiosk owners, food outlets, for example, enjoy a good relationship with the authorities in order to maintain their trade. All owners of kiosks have to pay a municipal tax in order to buy a licence to trade. Despite this, they are still threatened with expropriation. A system was put in place by the municipal authority allowing legal occupation of public areas, including roads. This practice is obviously controversial.¹⁰¹

During the 1990s, the provincial administration's repeated statements against the proliferation of kiosks.¹⁰² in Nairobi resulted in the organisation of several "clean-up" operations.

During the first wave of repression, in 1993–94, the municipal authority and the provincial administration seemingly did not enjoy a good relationship. The municipal team, newly elected in 1993 (elections that were re-established after a period of 10 years) was opposed to the idea of a "clean-up." The Nairobi City Council also refused to assume responsibility for the destruction of kiosks and shelters for the *jua kali* on Kipande Road in Ngara. It pointed out that the licences for occupation that had been issued by the municipal authority were valid.

In 1997 the two central and local administrations seemed to reach an agreement to act together. All illegal traders were to leave town.¹⁰³ The President himself issued such a directive.¹⁰⁴ The result of this operation reveals the importance of political protection in obtaining a license to occupy public land, and the fact that some kiosk owners were far from poor. It was reported that the owner of one food outlet situated near the Serena hotel, at the base of some office buildings appealed to President Moi directly following the demolition of his restaurant. This anecdote and others highlight the indispensability of political protection in the running of so-called informal businesses.

In 1997 different factors converged resulting in an offensive against hawking. Politically, hawkers had been depicted as supporters of the Opposition, especially during riots and demonstrations.¹⁰⁵ Economically, the municipal authority was looking to justify an increase in the taxes imposed on legal traders who were complaining about unfair competition from illegal street traders.¹⁰⁶

Following President Kibaki's election in December 2002, the urban economy once again became the focus of attention. The new regime wanted

101 Daily Nation 30/08/1996: 'City Council Asked Not To Issue Licenses On Road Reserves.'

102 Kenya Times 13/01/1994.

103 Daily Nation 21/05/1997.

104 Daily Nation 17/06/1997.

105 Daily Nation.

106 Daily Nation 11/06/1997. 'City Hall Wants To Get Rid Of Hawkers In A Bid To Increase Revenue From Service Charge And Rates From Licensed Businessmen In The CBD.'

to rid the city centre of illegal traders and therefore proposed alternative locations. It wanted them to be re-established to the east of Tom Mboya Street, the old border between the Indian and European quarters.¹⁰⁷

One may have thought that the slums and the kiosks were a second economy, but in reality the economic issues went beyond the survival of the poor. Some trade, service and craft concerns set up on the street or in kiosks, were lucrative. They were not necessarily a good option for the poor since they needed political protection to survive. Rent, even in dangerous areas, was a popular investment for entrepreneurs who bought their land through shady channels.

Despite the official statements issued in Moi's time, it is difficult to see an end to the practice of eviction. Competition for urban land does not allow the development of political alternatives (e.g. the relocation of displaced persons) without true political will.¹⁰⁸ Contrary to the belief of some authors, who were silent in Moi's time, there was a marked increase in evictions towards the end of the 1980s. The repeated suspensions remained unobserved. Control of the land was paramount, because of the lack of sincere measures of poverty-alleviation. Kibaki's presidency is not fundamentally different from Moi's in this respect.

Projects for the improvement of housing

Another facet of political repression on illegal housing since the 1970s is the problem of housing in Nairobi. Until 1975 new housing developments were expressly designed for the middle to upper classes. Projects were then designed for the poor. There were rehabilitation projects for degraded quarters or slums, and construction projects for new quarters for the poor and middle class.

Rehabilitation Projects

Municipal housing is today dilapidated due to poor maintenance. Those who are living there are nevertheless privileged, their rent being lower than the market rate. They are not the poorest, but rather middle class people who have taken advantage of public housing. Furthermore the municipal authority has undertaken the privatisation of some of these housing estates.¹⁰⁹

In August 2000 a large housing rehabilitation project began in the African quarter that was built by the municipal authority in the east of Nairobi in the 1950s. The project was to be implemented with the assistance and cooperation of Egyptian experts.¹¹⁰ These dwellings, located in the Ziwani, Shauri Moyo,

¹⁰⁷ Daily Nation 23/02/2003 and 06/03/2002.

¹⁰⁸ Daily Nation 12/06/1997.

¹⁰⁹ Daily Nation 02/03/2000. The case of Shauri Moyo confirmed the municipal authority's wish to privatise.

¹¹⁰ Africa Analysis 08/09/2000.

Majengo, Kaloleni, Mbotela, Bahati and Ofafa Kunguni (Maringo) areas, near Jogoo Road, which are more central than other more recent housing developments, did not seem to be sufficiently profitable. They were therefore replaced by apartment buildings.¹¹¹ Approximately 100,000 people worried about eviction. The 9,400 municipal dwellings in Ziwani, Shauri Moyo and Majengo were to be replaced by 26,400 apartments. It was a “revaluation” project for the areas under the authority of the City Council and not a project for public housing; it was not designed for the poor, but for profit. The issues of corruption and the personal interests of the promoters of the project are pertinent.¹¹² From this perspective one may draw interesting parallels with the colonial regime. D. Anderson highlights that the construction of these housing estates in Eastlands in the 1950s had been itself tainted with corruption scandals.¹¹³ This controversial project was finally abandoned. Other similar renovation schemes had already been undertaken, for example in Pumwani and Majengo, some of the oldest African quarters. They highlighted the problem of re-housing the original inhabitants, especially the tenants and sub-tenants. A single example is that of Pumwani Highrise Estate, where 8000 were not taken into account during the second phase of the replacement of old habitations with new apartment buildings.¹¹⁴ The housing allocation was not carried out transparently. The rehabilitation allowed new people to settle into the area.

The monopolisation of the land and housing by the richest was blatant in the case of the rehabilitation of old slums, which only marginally benefited their inhabitants. It is a classic phenomenon of urbanisation, which reaches new heights in the absence of any effort to respect the original aims of the project, i.e. improving the housing conditions of the original inhabitants. The improvement of poor housing eventually seemed like a pretext to redefine land “ownership”. Whether in Mathare or in Kibera, housing materialised in the slums, pushing the poor out to other more insignificant plots.

The New Quarters

In the case of the construction of new quarters, the old inhabitants are not a consideration. However, the choice of new inhabitants was keenly followed. Dandora, the first housing project that was implemented at modest cost is therefore an interesting example. Located in the east of the town, in extension to the housing estates of the 1950s and in proximity to the slums of both Mathare and Nairobi, Dandora was built in several phases during the 1970s

111 Daily Nation 31/08/2000. However, the tenants claim to have paid their rent long enough to be recognised as the owners of their dwellings, for example in Makadara, which was built in the 1920s.

112 Africa Analysis 08/09/2000.

113 Anderson, D.M., 2002, ‘Corruption at City Hall: African Housing and Urban Development in Colonial Nairobi’, in Burton A. (dir), op. cit. pp. 138–154.

114 Kenya Times 27/03/90. Daily Nation 11/01/1999.

and 1980s. It is a housing estate that is in self-construction. The project, which was promoted by the City Council, received aid from the World Bank and the Kenyan Government. Designed to house 72,000 residents, it was started in 1976. In the early 1980s, the quarter housed between 30,000 and 40,000 inhabitants.¹¹⁵

With regard to the goal of creating affordable housing, the initial phase of the project was relatively successful, compared to later phases. The rules for the allocation of housing, which were supposed to protect the interests of the poor, were quickly broken or sidetracked.¹¹⁶ In the name of diversity or solvency, a higher percentage of middle class and well-off people were introduced to the project. Favouritism and monetary greed were factors that worked towards diverting the project from its initial objective. In this atmosphere of rivalry, the financial survival of the poor became even more difficult. The case of Dandora highlights *a contrario* the importance of an economic and social network that is tailored for the daily survival of the poor population. The economic foundation of the survival of the inhabitants of poor quarters is intrinsically linked to the living area in question.¹¹⁷ A dwelling is sometimes itself a source of revenue, depending on the location of plots. Small enterprises (food outlets and others), small-scale craft trade, all manner of offered services and DIY generally associated with living areas provide indispensable resources. Relocation in Dandora can mean the economic death of the poor if they are unable to recreate a positive environment. Many return to their original quarter, or have continued to live there despite the allocation of a plot in Dandora. With competition from people with more resources or capital, creating a local economic base for survival (construction and location of dwellings, small enterprises and craft trade) becomes difficult for the poor. The Dandora case underlines the importance of financial opportunities in new quarters, especially when a project for the housing of the poor becomes an investment for the wealthier classes. Thirty per cent of plots were resold in phase II, and in 1984 almost 80 per cent of the estate's inhabitants were tenants.

It seems there were no lessons learned from the Dandora case. Other similar projects were considered, such as Syokimau, in the Machakos district. Located on a site that is 30 kms from the centre of Nairobi near the town of Athi River, several projects for the relocation of the poor were planned on the site of old sisal plantations. The *Shangilia baba na mama* association proposed to

115 McInnes, Georges, 1995, Hope and Despair in Urban Self-Help Building. The case of Dandora Community Development Housing Project in Nairobi, Mazingira Institute, Nairobi, pp. 2-4. The data on Dandora in the rest of the paragraph are taken from this study.

116 See the works of McInnes on this topic.

117 Several studies highlight King, K., op.cit, p. 49. Rodriguez-Torres, Deyssi, 'Lutte pour la vie, lutte pour la ville', Thèse de doctorat, Université de Bordeaux I, 1995.

finance housing for the poor. It undertook the collection of funds from some inhabitants of Kibera against the promise of housing and planned to finance its programme through the construction of housing designed for the middle class.¹¹⁸ Since 2002 another project has emerged, an initiative this time of the Kenyan Government. When an announcement was made of a rehabilitation project in Kibera, President Kibaki mentioned the possibility of relocating certain inhabitants of the slum to a distant site.¹¹⁹ These projects may seem quite surreal, as they do not take into account the fact that slums near the town are important because the poor are able to survive there.

These projects have generally failed in their objective to improve the housing of the poor. The public housing sector does not benefit the relevant people, namely the poor. As Deyssi Rodriguez-Torres highlights, the business of rent is growing at the expense of smallholdings¹²⁰ in the 'popular quarters'. The opportunities for land gain sidetrack project goals. These projects which present themselves as public schemes should be protected from the laws of the market, but are not, because of the lack of housing, strategies for financial gain, and the policies of certain privileged players in the field. Set objectives regarding the number of dwellings to be built always become expensive, because they must satisfy demand. To obtain title to land or housing is to take up a political and economic wager.

Land-grabbing

The expression land-grabbing is commonly used in Kenya to describe the practices of land monopolisation by people occupying institutional positions of power, or those close to them. These practices generally imply the legal change of the status of a piece of land to allow its privatisation and a change in its utilisation. It may be non-constructible land, or even land that has been reserved for specific use (a forest or school). In some cases the monopolisation comes with the eviction of illegal occupants and threatens living areas or popular activities. These practices of territorial control point directly to the standards of planning. The legal provisions that are introduced allow the expropriation of land. There is pillage of public land resources (municipal and government), and the knowledge of lands that are susceptible to land-grabbing because of their status is only possible due to insider trading. Those in charge of the development and planning were themselves on the spot. It isn't so much the plan but the interests of the powerful that determine the

118 A visit of the site was organised for us by the heads of the association in April 2000. In January 2005, the project had stalled. According to Deyssi Rodriguez-Torres, who was at the location, there had been no progress in construction.

119 Daily Nation 06/05/2003.

120 Deyssi Rodriguez-Torres, 1995, p. 51. The author highlights that during 1974–1978, the policy of assistance to the housing of the poor benefits the "owners" in such a way that non-owners found themselves in an insecure situation.

use of land in Nairobi. From this perspective, Moi's era was critical,¹²¹ despite the fact that corruption regarding access to land was more the rule than the exception in Kenya.

When he came to power in 1979, President Moi strongly condemned the illegal practices surrounding the allocation of land that had prevailed in the old regime.¹²² Elected officials were implicated in the embezzlement of land¹²³ which they claimed was their own and then resold. Moi wanted to change things. He was particularly incensed by the illegal acquisition of plots of land in Kibera and the construction of rental properties in the slums. He alluded to plots that had secretly been sold to people who then erected buildings on them. The necessity of re-examining property rights in the slums was highlighted. Given that legal title deeds had been issued, the task was even more difficult than envisaged. Under Kenyatta's presidency, the transfer of property previously owned by Europeans or Indians, the 'Africanisation' of land, represented an economic opportunity for a ruling class that was eagerly seized by those close to power. The lands of Mathare Valley are a typical result of this 'Africanisation'. Competition increased under Moi's presidency where available land diminished considerably. The only profitable land in the agglomeration was public land. Because of the lack of new land resources, old appropriations began to be examined. This was highlighted by land clashes in rural areas in the 1990s. In town the question was how to interpret the violent clashes that had erupted in 'popular living areas' in the 2000s. Was the government working to weaken the power of certain slumlords who were no longer supporters of the regime?

The heads of the municipal authority in office since 1992, and belonging to the Opposition under Moi, carried some responsibility for the dilapidation of land. In 1994 the scandal of the embezzlement of municipal land was uncovered as King'ori, the new mayor, came into office. He wanted to have the Town Clerk changed, who was an administrator chosen by central government.¹²⁴ The Mbogua Report, published in 2000,¹²⁵ underlined that everyone was implicated in the embezzlement of municipal land and even more so in the sidetracking of planning rules. Three ministers were denounced by the report, two of them (Ntimama and Lotodo) through their positions in the Ministry for Local Government, the other (Ongeri) simply

121 Karuga, G., op.cit., p. 16.

122 Weekly Review 04/05/1979.

123 Weekly Review 22/09/1978.

124 Weekly Review 02/12/1994.

125 Different reports on the management of Nairobi were released: in September 1983, the Mbogua Report, in January 1990, the J.K Sang Report, in March 2000, the Mbogua Report ('Confidential, Extraordinary Inspection of the Nairobi City Council, chairman J.P Mbogua') As they have not been published, the press accounts are precious material.

through his status as the then Minister for Health. The top people in the town administration, the Town Clerk (chosen by the central government) and the City Planning Director himself (Kurua wa Gathoni) were implicated.

With the change of regime and Kibaki's accession in December 2002, a complete revision of the procedures for land allocation was devised to fight corruption. The determination of the new regime was reminiscent of Moi's declaration when he himself had become President in 1979. 'Land-grabbing' is partly explained by the inefficiency of the planning rules as well as their being corrupted. Some were adamant that where the issue of access to land was involved, planning would remain stalled. This was indicative of the state of political operations in Kenya at that time.

Faced with a land crisis that was both national and political, different solutions were proposed. For some, there was no point in the formulation of good plans (since up until then nothing had worked); for others, planning remained an important tool¹²⁶ in the creation of an alternative system.

Revising planning and creating property titles were the two 'technical' facets of a response to the problem of the embezzlement of public land, and they were brought forth repeatedly. In September 1983, the Mbogua Report recommended the drawing up of an inventory of public assets and the creation of property titles in order to discourage pillage. In January 1990, J.K. Sang's Report repeated the recommendations and emphasised the importance of protecting the forests of Karura and Ngong, and the Nairobi National Park.¹²⁷ The idea of creating an informed inventory of better public land in aid of public administration was also endorsed.¹²⁸ During the preparatory meetings for the elaboration of a new plan, the creation of a SIG was held up as a priority.¹²⁹ Without public support, however, these solutions never materialised, since embezzlement prevailed.

On the political front two types of solution were proffered: either the role of the municipal authority should be expanded, or the opposite, it should be broken down into several administrative entities. The enlargement of municipal powers was supported by the Nairobi City Convention.¹³⁰ The convention, which took place in 1993, was held in the context of a political "return to democracy". It was organised following the election of a mayor to head the City Council after an interlude of 10 years during which the head of the municipal authority was appointed by the Central Government. The new mayor, Mwangi, belonged to the Opposition. Several reports commissioned by the Ministry of Local Authorities suggested that the idea of a unified

126 Daily Nation 11/01/2002.

127 Daily Nation 02/10/2002.

128 Karuga, G., op. cit., p. 22.

129 Daily Nation 31/12/2001.

130 Karuga, G., op. cit., p. 104. The strengthening of the autonomy of the town administration should come through a democratic process and with cooperation at all levels.

administration be abandoned. Some believed that dividing the town would bring about better planning.¹³¹ In January 1992, a report proposed the division of the town into four distinct municipalities (Dagoretti, Langata, Kasarani and Embakasi). A similar suggestion was included in the Mbogua Report of 2000 for the creation of five communes that would allow the decentralisation of public services. In the Nairobi City Convention's Report, the strengthening of municipal powers is synonymous with the democratic administration of the town. The convention's recommendations imply ideal planning, more democracy, the participation of the community and consideration for the poor as well as for the environment. They suggest the management of town growth in the Nairobi Metropolitan Area in collaboration with neighbouring local authorities. In any case, the re-introduction of a mayor and the administration of the municipality by the Opposition did not improve the situation. The Town Hall proved to be a source of revenue to further political, as well as personal interests, for those elected, whether they belonged to the current regime or the Opposition. The only solution, though difficult to implement, was that of fighting corruption, and the denouncement of those involved in corruption. The heads of planning and surveyors should have the authority to act, for example by refusing to make surveys of land, or to effect land registration where these operations concern public land.¹³²

CONCLUSION

There were many who pointed out that the town was functioning without being planned: the last plan was outdated and, in any case, no plan has ever been implemented. In Nairobi, planning was characterised simultaneously by its inefficiency and, paradoxically, by a tradition of coercive measures. The majority of Kenyans were relegated to unsanitary and cramped 'popular quarters', as an indirect effect of planning, and were living in deplorable conditions. Their dwellings were erected with a bare minimum of materials and the poorest did not even have that. It isn't so much that colonial planning standards were flawed; it was rather the political set-up that was flawed. The process of land privatisation was controlled by the government and powerful people within the government, who acted for themselves or for people close to them. Legal privatisation of land occupied by the poor was part and parcel of the land crisis. It is difficult, in this context, to separate the land crisis from that of planning. It isn't so much the land as the territory sold by the government that is at risk. The importance of the implications of territorial control (control of access to land as well as political control) is an aspect of the implementation of planning that must be highlighted. In the context of political competition for land in Kenya, the existent planning tools do not

131 Daily Nation 01/04/2002.

132 Daily Nation 30/03/2002.

hold against the market, they are corrupted to benefit powerful people. The monopolisation of land by politico-economic elites in Nairobi reverberates in land appropriation cases throughout the country. Even without investing in construction, land speculation by itself allows some to make a quick profit thanks to their political connections¹³³. The rise in property prices is a sign of intense competition and translates into the marginalisation of the interests of the poorest. The global diminishment in land resources and the profit extracted from transactions of property (including the construction of gerry-built rental properties) by politico-economic elites contribute to characterising the land crisis. With a change in regime, one may ask whether there will now be hope of seeing the establishment of a genuine town policy that will promote normal measures of territorial control.

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¹³³ Especially if the land has been obtained at a price inferior to the market price through political influence, a common practice in cases of privatisation of public land. Yahya, 1980, p. 1 and 2. The author highlights that the value of land in Nairobi in the 1960s or 1970s increased more rapidly than the cost of living (its growth rate was three times higher than the index of the cost of living).

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Public authorities and urban upgrading policies in Eastlands

The example of 'Mathare 4A Slum Upgrading Project'

Deyssi Rodriguez-Torres¹

The goals of the Mathare 4A Slum Upgrading Project were to construct houses, to renovate the older slums and to provide public services to Mathare 4A, one of the sub-locations of the big shanty town of Mathare Valley in Kasarani constituency in Nairobi. Approved by the Kenyan government, with financing from the German government and managed by the Catholic Church, this public project started in 1992. Towards 1997, a simmering conflict erupted between the project beneficiaries and its administrators. The agreements signed by the government and the donors were revealed: the land set aside for this project, which is the property of the State and had been occupied by Kenyans since the 1940s, was granted to the Catholic Church. This inflamed the fighting spirit of the community and gave politicians a chance to proselytise. The allocation of land was seen as an act of treason by the State towards its people, especially by the owners of structures who did not want to lose the profits they earned from the rents. Encouraged by local politicians in search of supporters, former landlords whose income was under threat, and tenants demanding that the land be allocated to the slum inhabitants, started a protest movement. Demonstrations, hunger strikes and acts of violence led to the suspension of the project in January 1999.

The motive of the protest was initially the allocation of land to the Catholic Church, whose local leader was the *Muzungu* (White) priest in Mathare 4A. Various other ethnic, monetary and political interests combined to interfere with the execution of the housing project to the extent of paralysing it. In the meantime, the general public, especially in the slums and poor areas, are trying to understand why the inhabitants of Mathare 4A are opposed to a programme which would offer them solid houses and public services, currently non-existent in other poor areas of Nairobi.

In order to understand why this urban re-housing project was rejected and sabotaged, we shall first trace the construction of the town, originally based on racist criteria, which has evolved from independence and study the

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adoption of new housing policies leading to social segregation. It is in this context that we can examine public authority action in an informal settlement which numbers more than three and a half million inhabitants, of which about 75 per cent² live in precarious conditions in the slums of Kibera and Kawangware in the southwest of the city, or those of Mathare Valley and the poor estates in Eastlands. Secondly, the origins, execution and evolution of the Mathare 4A Slum Upgrading Project will enable us to comprehend the origins of the conflict and to establish in what social, economic and political context it was drawn up. Our analysis of the relations between the different actors, both locally and globally, of the communal pressure and of the institutional and private decisions, will indicate the programme's impact. Finally, we shall show how the public authorities and the private sector failed to embrace a public project but instead managed to create a public problem. It will thus be possible to confirm that the failure of the Mathare 4A Slum Upgrading Project obeys structural factors and that these date back to urban policies drawn up from the foundation of Nairobi but are especially affected by the role of the public authorities post-independence. These authorities in contemporary Kenya are no longer busy with urban governance or the elaboration of housing policies destined for less fortunate citizens, but instead spends their time drawing up a public agenda based on favours and agreements that are most often rife with patronage. Land-grabbing, speculation and selective politics are the structural axis of this patronage which has guided public action from the authoritarian regime and which still persists in 2005 in the so-called period of transition to democracy.

FROM URBAN CONSTRUCTION BASED ON RACIST CRITERIA TO POST-COLONIAL HELPLESSNESS

In 1899 the English built a railway supply station at the 'Enkare Nairobi' site. The following year, the site began functioning as a town with the setting up of the administrative and commercial capital of the colonial power. At the time, Nairobi had a Council and a planning office; it became an East African Township on 9 September 1903. However, it was only on 30 March 1950 that Nairobi acquired the status of a city.

As other capitals founded by and for Whites, Nairobi was destined to serve as an administrative centre, the seat of power and housing for the colonial population.³ The first urban policies, based on racial segregation,⁴ were meant

2 According to the October 1997 Proceedings of the *Nairobi Settlements Coordination Committee* (NISCC), 55 per cent of Nairobi's inhabitants live in informal settlements. According to the editorial, in *Daily Nation*, 29 June 2001, about 70 per cent of Nairobi's population live in slums.

3 See: Mbithi, P., Barnes, C., *The Spontaneous Settlement Problem in Kenya*, Nairobi, East African Literature Bureau, 1975 and Mucai-Kattambo, V., *You and the Law: Co-operatives Formation, Management and Settlements of Disputes*, Oxford, Oxford University Press, 1992.

4 See Etherton, D. *Mathare Valley. A Case Study of Uncontrolled Settlement in Nairobi*, University of Nairobi, Housing Research and Development Unit, 1971, p. 1.

to achieve these goals. Nairobi was therefore divided into three residential zones. The Northern and Western zones (Westlands) were reserved for White settlement. The Southern zone, part of the Eastern area and the commercial centre (the Indian Bazaar) were reserved for Asians; these zones were designated as Residential Zones. The African workers authorised to live in town⁵ resided in the Eastern zone (Eastlands) in low-cost Municipal Housing, referred to as Native Locations or Official Housing, made up of dormitories and small houses. It is in Eastlands that rural migrants (fleeing native reserves due to lack of land) and people expelled from other areas of Nairobi, live. Immigrants or displaced persons, workers or squatters, surviving thanks to revenues gained from legal or illegal activities, were the first inhabitants of Nairobi's slums who did not have access to land ownership.

Eastlands and the historical African estates

In 1918⁶ the government allocated land to Indians not far from the new Indian Bazaar, which today corresponds to the large Mathare Valley slum. The following year, Africans (mostly Kikuyu) from the countryside or who had been expelled from other areas, settled there illegally.

The colonial government started building estates and dormitory suburbs for African employees. The first was Kariokor (corruption of the words Carrier Corps), destined for First World War veterans; the African employees of the Kenya–Uganda Railway were then accommodated in Muthurwa, Landi-Mawe and Makongeni, together with those from the Kenya Bus Service. In 1921 the municipality regained the Ziwani slum to develop two housing projects. Ziwani and Starche were meant for the first urban African elites—the employees of the colonial administration (low-scale civil servants, secretaries, policemen, etc.).

It was also in Eastlands, during the 1920s, that Site and Service Schemes and low-cost Municipal Housing first appeared. In these urban programmes, the government equips and builds on a piece of land that remains its property; the new houses are then leased to individuals. Low-cost Municipal Housing gave rise to Majengo where poor Africans used to rent small apartments. Kaloleni, a joint venture signed in 1921 between the municipality and the central government, was inhabited mostly by Luo and Luhya communities. Other low-cost municipal housing was built in Eastlands during the State of Emergency, after 1952. In the Mau Mau context, City Council Estates were

5 The Township Ordinance of 1902 prohibited Africans from staying in Nairobi for more than 24 hours if not employed there. They had to show the *Kipande*, the official pass compulsory for each man above the age of 16 and which was meant to control the migration of the work force (Lonsdale J., 'Crises of Accumulation, Coercion and the Colonial State: the Development of the Labour Control System in Kenya, 1919–1929', *Journal of African Studies* 14, 1980).

6 Chege, M., 'A tale of two slums: electoral politics in Mathare and Dagoretti', *Review of African Political Economy* 20 (1981): 74–88.

meant to exert greater control over the growing African population.⁷ Mbotela⁸ Estate (populated mostly by Kamba) was built in this context; whereas Bahati, which was developed between 1927 and 1946, later became a large detention camp where Mau Mau fighters and supporters arrested in Nairobi were held, notably after Operation Anvil of April 1953.

In the 1940s, Eastlands became a hotbed of resistance to the colonial power. Its inhabitants played a major role in radical nationalist circles at the time of the country's independence. Tom Mboya and Jaramogi Oginga Odinga lived in Eastlands.⁹ It is also in this area that you find the historic Makadara Hall¹⁰ built in the 1950s. This hall, which was the venue of many political meetings, is today called the Tom Mboya Hall.

The incapacity of the post-colonial State to establish an urban public agenda

Eastlands is a place full of memories that go back to the history of urban settlement marked by racial segregation, betrayals and heroic deeds, the fight for independence and the beginning of the building of an urban identity. Eastlands has seen two types of activism. First that of poor city dwellers in search of land, housing and employment. Second was the activism of public authorities through their urban renewal projects, which more often than not were delegated.

After independence in 1963, the new urban policy initiated by President Jomo Kenyatta and his government brought about a reconfiguration of space in Nairobi. Africans were free to come and go in Nairobi. However, the segregation based on racist criteria was replaced by social segregation.¹¹ The colonial geography of the town survived, but it is now the new African elite who occupy the former European suburbs, whereas the poor continue to live in slums. This urban redevelopment was done in a 'natural' manner, based on power and the political and economic influences involved. A new class of land speculators, supported by the State, played a determining role in the process of structuring the urban set-up depending on its location value.

7 According to the 1948 census, the population of Nairobi at the time was 118,970 inhabitants, of which 64,397 were Africans (54% living as squatters), 43,749 Asian and 10,830 Europeans. (East African Statistical Department, *African Population of Kenya Colony and Protectorate: Geographical and Tribal Studies*, Nairobi, Government Printer, 1950).

8 This area was named in memory of Tom Mbotela, a member of the City Council, assassinated in Eastlands by the Mau Mau. Ambrose Ofafa also gave his name to an estate in similar circumstances.

9 In 1957, Tom Mboya was the first African representative appointed to the Nairobi City Council (NCC); he lived in house No. 38 in Ziwani. Jaramogi Oginga Odinga was living with his family (including his sons Raila and Oburu) in the neighbouring estate of Jerusalem. Milton Obote, ex-president of Uganda, also lived in Ziwani, in house No. 10.

10 Better known as Kaloleni Hall. It is located in Makadara constituency (where old estates such as Ofafa, Mbotela and Kaloleni are found).

11 Rodriguez-Torres, D., 'Nairobi, between Muthaiga and Mathare Valley', in Grignon, F. et G. Prunier (dir), *Le Kenya contemporain*, Paris, Karthala-IFRA, 1998, pp. 209–229.

In this new urban landscape, public action is planned, above all else, according to the logic of accumulation.

According to the new law, the planning of public urban policies is done by the Ministry of Local Government in conjunction with the provincial administration and the City Commission. The legislators changed laws concerning the registration of land and the granting of title deeds. Africans could now officially own land.¹² The Registered Land (Amendment Bill) of 1987 made the notion of a land deed official. It replaced the Land Certificate that did not guarantee ownership of land to tenants. Lastly, the Local Government Building Order of 1968 partly modifies the City Council of Nairobi (building) By-laws of 1948 concerning construction and urban planning.¹³

The government gives the local authorities the responsibility of urban development housing policies. The objective is to provide: “*necessary housing in a healthy environment and at low cost*”.¹⁴ In Nairobi, the prerogatives of the City Council are defined by the Local Government Act, Cap. 265 of the Laws of Kenya, voted by Parliament in 1977, which grants considerable autonomy to the City Council in terms of urban policies. Thus, it is authorised to: “*design plans for housing constructions, sub-divide plots and pre-empt the land necessary for these programmes*”;¹⁵ it is also the City Council which should: “*construct and maintain inhabited houses, procure public services and set reasonable rents*”.¹⁶ Lastly, the City Council can work with the private sector in the construction of houses and the creation of public services.¹⁷ The local administration is also responsible for controlling the flow of migration and the population increase in the town, improving the habitat, and satisfying the demand for housing for new inhabitants.¹⁸ But as in the colonial era, the new development plans authorise the City Council to demolish illegal habitations and stalls as well as to expel their inhabitants.

At the end of the 1960s, the City Council abandoned the colonial programmes of low-cost Municipal Housing. It however reinforced the Site and Services Schemes in which the City Council remains the owner of land that it can rent or sell. In these programmes the administration finances part of the construction of basic infrastructure, but the finishing lies with the beneficiaries

12 The Native Land Registration Ordinance of 1959 was amended by the *Registered Land Act* of 1963, which modifies the procedure of land registration in favour of Africans. At the time Asians owned more than 50 per cent of land in Parklands, Ngara, Juja, Eastleigh and Mathare Valley (Government of Kenya, *Kenya Population Census, 1969*, Nairobi, Central Bureau of Statistics, 1970).

13 Republic of Kenya, *The Republic of Kenya Building Code*, Nairobi Government Printer, 1968.

14 Government of Kenya, *Sessional paper n°5 of 1966/67 on Housing Policy for Kenya*, Nairobi, Government Printer, 1966.

15 Laws of Kenya, *Local Government Act*, Nairobi Government Printer, 1977.

16 *Ibid.*

17 *Ibid* sections 178 and 181.

18 The population of Nairobi increased from 347,431 inhabitants in 1962, to 509,286 in 1979.

of these houses who should pay rent each month to the City Council or the price of amortization of the purchase. The first housing policies were elaborated in Nairobi following a report undertaken by the United Nations at the request of the Kenyan government.¹⁹ Its authors had at the time envisaged the creation of an office in charge of construction and housing renovation programmes within the Ministry of Housing. Parastatals such as the National Housing Corporation (NHC), which replaced the Colonial Central Housing Board; the Housing Finance Company of Kenya (HFCK) founded in 1967 and lastly the National Cooperative Housing Union–NACHU, were thus created. In order to continue with the Site and Services Schemes, the government also mobilized funds from the public and private sectors and called in international assistance, notably from the World Bank and USAID (the American programme for international development).

These new Site and Services Schemes targeted the poorest estates, such as Huruma Estate, Pumwani and Umoja II in Eastlands, where living conditions are extremely difficult and housing and public services non-existent despite the ever-increasing population.²⁰ The aim of these programmes was and is to provide housing to the poorest of the urban population while “ensuring law and order.” However, many of these houses are not occupied by their official beneficiaries as they still cannot meet the construction costs and/or pay rates imposed by the City Council.²¹ In estates where the majority of inhabitants are unemployed or do not have stable revenues, housing construction programmes at low cost are destined to fail. These housing policies did not anticipate the financial difficulties of some of the beneficiaries, who had to return to the slums. Politicians and municipal civil servants or ministries concerned in the programmes and their close associates wait for the beneficiaries to leave, either through voluntary and ‘negotiated’ agreement or through evictions, and then occupy the residences meant for poor social groups. People who have revenues to pay rent and who, therefore, place themselves in a distinctive social class, occupy the houses. This diversion of housing meant for the poorest has contributed to the structuring of the urban set-up along the hierarchy of social classes. The existence of networks and political patronage has played a determining role in this process of social and residential segregation.

19 Bloomberg, L. and Abrams, C., *United Nations Mission to Kenya on Housing : Prepared for the Government of Kenya*, New York, United Nations, 1964.

20 Since the mid-1990s, national and even international attention has focused on Kibera, a poor estate to the south of Nairobi where half of the space is occupied by a slum. For more information on this estate, see Crozon A., ‘Minorités d’Afrique de l’Est face à l’intégration. Les Nubi en Afrique de l’est : Construction d’une identité ethnique’, *Cahiers de l’IFRA*, No. 4 (1997).

21 An example is Umoja II, where many beneficiaries of the housing programme had to go and live elsewhere. Currently, 70 per cent of the residents are tenants and they pay rent to ‘new owners’ who were not concerned with the project and who do not live in the estate. (*Mwananchi* No. 274, April 1999, Nairobi, p. 2).

As early as the 1960s, the diversion of public projects in line with this hierarchy of patronage, created the basis for a “new urban order” and new housing policies. It is not surprising that during the 1980s, 66 per cent of houses under the City Council of Nairobi programmes were hijacked and only 20 per cent were occupied by their rightful beneficiaries.²² Organised patronage and nepotism, the hijacking of projects and corruption²³ have become the order of the day for decision makers and civil servants to ensure their political and economic survival. Most of the projects designed by the City Council in the 1970s and 1980s in Eastlands, have become big concrete Estates which profit civil servants (who are signatories to contracts), close associates and political allies, while the majority of citizens for whom the projects were meant have no option but to return to the slums.²⁴ The practice of cronyism and patronage works in a positive manner but is selective and finally only favours the integration of certain urban groups (the well-off or lower middle classes). The Site and Service Schemes destined for the poor have therefore been failures, showing the incapacity of public authorities to set up and execute a public agenda. The political hijacking of housing projects continued in the 1990s with the Tenant Purchase Schemes, which were financed by the government and donors and were meant to allow tenants to acquire plots of land and houses.

Privatisation of land and transfer of urban projects to the private sector

At the end of the 1980s and the beginning of the 1990s, the initiatives of the City Council were hampered by constraints imposed by structural adjustment programmes that encouraged speculation and selective politics and were also undermined by the lack of political will, corruption and land-grabbing by politicians and individuals. However, poor estates, especially slum areas, continued to grow. These are often built on State land by squatters or people authorised by the City Council. In fact, members of the government are authorised to allocate public housing and land on a temporary basis to individuals as long as there is a Temporary Occupation License. Chiefs (Local

22 Macoloo, G.C., ‘The State and Low-income Urban Housing Production and Consumption in Kenya’, and Syagga, P.M., ‘Trends in Urban Housing Strategy for Kenya into the Next Century’ in Obudho, R.A. and Ojwang, J.B. (eds.), *Issues in Resource Management and Development in Kenya*, Nairobi, East African Educational Publishers, 2000.

23 An example of the first scandals concerning corruption and nepotism in City Council was revealed in 1982, when the Ministry of Local Government set up a commission to inquire into the affairs of City Council. The commission concluded that there was “a bad management of funds whereas the services offered to the population were mediocre”, and the City Council was revoked. A new commission was then set up to manage local affairs and rid the organisation of dishonest civil servants. The inquiries notably concerned elected leaders and civil servants in the institution as well as the then mayor of Nairobi, Nathan Kahara (*Daily Nation*, 4/03/1983).

24 The Site and Service Schemes also interest other groups, such as supermarket owners and construction material manufacturers (Macoloo, G.C. *op. cit.*, pp. 255–6), and favour speculation on rent since the rent is fixed freely by the new owners (Syagga, P.M. *op.cit.* pp. 264–5).

Administration Officials) enjoy the same prerogative.²⁵ It is a system of public land allocation that is practised informally but approved officially. The bidder does not always pay rent to the municipality.

The granting of temporary occupation licenses extends financial gains to citizens who become 'owners of structures.' They do not pay rent on the land since more often than not the allocation is the result of an agreement between a politician and the individual in the context of patron-client relationship. These 'owners' who are very active in the poor estates and slums of Eastlands build one or several rooms per house for rent. An entire family squeezes into these one-room 'houses' that lack sanitary facilities. The owners fix the rent, which they collect through persuasive or violent means. They pocket the whole amount without paying anything themselves.

The owners, who are often unemployed, lead their lives as annuitants. This system of allocation of State land has been perfected with time. It not only allows for profitable gain but also guarantees politicians and civil servants the loyalty of 'owners' who will swear their allegiance and offer them their votes when elections come. In fact, it is from tenants and their neighbours that the 'owner' harvests the necessary votes for the politician who, directly or indirectly, permitted him temporarily to occupy or work the plot. The temporary allocation of land therefore contributes to the spread of client and political patronage. In Nairobi, the utilisation of land varies depending on political interests.²⁶ Housing policies and regulations have also become malleable. They are no longer based on economic or legal principles but on the interests of politicians. After the euphoria of independence, when the government was promising "*housing in a healthy environment*", came the shortage. In the 1990s, 60 per cent of the city land had already been privatised, with the City Council controlling only 5 per cent. The government (goaded by public opinion and the bad image presented by the media) decided to resolve the squatter and homeless problem that had grown with the city. During the colonial era, the government had already launched 'bulldozer operations' in the slums. This time again, houses built illegally were flattened and the inhabitants chased away. The owners and land speculators also expelled tenants or squatters using bulldozers or by starting fires.²⁷ A heightened confrontation developed between squatters and tenants on one hand and speculators on the other. The government then proposed a new policy in its Draft Sessional

25 NISCC, 1997, *A Development Strategy for Nairobi's Informal Settlements*, The Nairobi Settlements Co-ordination Committee, Republic of Kenya, October 1997.

26 Mwangi, I.K. 'Challenges for Urban Land-use Planning and Managing Development in the City of Nairobi and Bordering Urban Areas', in : Olima, W.H. and V. Kreibich (eds.), *Urban Land Management in Africa*, Spring Research Series No. 40, Dortmund, 2002: 198–211.

27 It is often less expensive to burn than to demolish since one has to hire a bulldozer and pay *askaris* and hooligans for the operation. One of the most recent fires in Eastlands occurred on the 5 January, 2005 in Mathare II, killing two residents, and destroying about a hundred shanties and leaving 600 people homeless, *The Standard*, 6 January 2005, *The People Daily*, 6 and 8 January, 2005.

Paper on Housing of 1990. The cooperatives (National Cooperative Housing Union–NACHU, National Housing Corporation–NHC) were invited to invest with the City Council in housing projects.²⁸ The government proposed yet again to improve the living conditions of the inhabitants of slums and poor estates.

For the implementation of urban policies and projects, public authorities have often had to solicit the help of foreign donors and use resources of the National Housing Corporation and the Housing Finance Company of Kenya. Currently, neither the government nor the parastatals have resources to invest. The necessary solution is for public authorities to call upon the private sector and international aid. Then they should delegate the implementation of infrastructure work to non-governmental organisations and churches, as has been the case in the social sector. In Kenya churches have a long experience in urban projects. The Catholic Church has for example been involved in several social projects in Nairobi. Furthermore, it has a good reputation with donors: if the Church manages projects, the grants and donations are generally not embezzled. The Church, therefore, has the capacity to attract funding from international donors and fill the vacuum left by the State in sectors such as education or housing.

IMPLEMENTATION OF THE 'MATHARE 4A SLUM UPGRADING PROJECT': A THREE-PART CRISIS

It is in this historical and political context that the government delegated public social projects to the private sector, to NGOs and to Churches. With the Mathare 4A Slum Upgrading Project, the Catholic Church became a substitute for the State in Mathare 4A,²⁹ one of the villages of the huge slum of Mathare Valley.

The colonial and post-colonial authorities have never invested in Mathare 4A, and in general in Mathare Valley. Here, families of five people or more live in a space measuring 3 by 3 metres, constructed with garbage material and without sanitary services. The slum has only two toilet blocks for all its inhabitants. There is no clean water and the inhabitants bathe, wash their clothes and utensils with water bought by the litre from individuals and carried in jerry cans. The roads and the floors of the shanties are made of dried earth. There is neither public lighting nor electricity in the houses. According to a study undertaken by GITEC,³⁰ which served as a basis for the implementation of the Mathare 4A Slum Upgrading Project, in the early 1990s, Mathare 4A

28 Kenya Government, *Sessional Paper n°1 of 1986 on Renewed Economic Growth, National Housing Strategy for Kenya 1987–2000*, Nairobi, Government Printer, 1986.

29 Built by squatters on State land in the 1940s, the slum has been known as Mathare 4A since 1948.

30 Gitec Consult, *Mathare 4A Development Programme Feasibility Study Report*, Ministry of Public Works and Housing and Catholic Archdiocese of Nairobi, Dusseldorf, Germany, Gitec Consult GMBH, 1995. The data presented in this study does not always correspond to the socio-economic reality of the inhabitants. For example, the revenue stated is incorrect since tenants live on about Ksh 1000 per month.

had 21,600 inhabitants living in about 8000 houses. Half of the households had families in the countryside, 45 per cent were made up of nuclear families and 5 per cent were single mothers. The ethnic composition of Mathare 4A is as follows:

Populations of Mathare 4A (%)	
Luo	50.8
Kamba	16.6
Kikuyu	15.6
Luhya	10.3
Others	6.6

The average monthly revenue per household is about Ksh 3370. More than 70 per cent of the shanties belong to owners of structures who do not live in the slum and only 10 per cent of residents are owners; the others are tenants and pay monthly rent of between Ksh 100 to 300.

The St. Benedictine Church, situated on Thika Road, is heavily involved in the slum, where it has built the church, a stone parish house and accommodation for priests. It also evangelises (80 per cent of the inhabitants claim to be practising Catholics), celebrates mass, organises charitable activities such as the school, the day care centre, a dispensary and sporting activities for the youth. Father Klaus Braunreute (referred to as Father Klaus by everyone in Mathare), is in charge of the Church in Mathare 4A, involved in charitable work and an authority on the poverty of the inhabitants. He identifies the uncertainty of housing as their main problem. Through his Church, he proposed to remedy this problem by planning a programme destined to provide slum dwellers with better houses and public services. In 1989, Father Klaus therefore started discussions with municipal engineers, lawyers, his compatriots at the German Embassy, as well as with Zacharia Maina, the Member of Parliament for Mathare constituency which included Mathare 4A at the time. The KANU (Kenya African National Union) legislator supported the project as did the owners of the structures, whether resident or not in Mathare 4A.

In 1990, when the political campaign for first multiparty general elections in December 1992 started, the project became a reality. As Father Klaus was looking for funding, the candidates for the post of Member of Parliament for Mathare were busy claiming credit for the project in their electoral campaigns. So Zacharia Maina, the KANU candidate and Macharia Muraya, candidate for the opposition party FORD-A (Forum for Restoration of Democracy–Asili) defended the residents' interests while avoiding the issue of evictions, and protected the owners of structures by promising to help them keep and renovate their property. Despite both being Kikuyu, these two candidates

tried to talk to all the inhabitants of Mathare 4A, who are mostly Luo. During the first multiparty election, party membership was a determining factor. Z. Maina, who represented the party in power, was beaten. The new MP, M. Muraya, took up a position in favour of the residents.

In the meantime, Father Klaus had received funding from the German government, which, through the Kreditanstalt für Wiederaufbau (KfW), the German Development Bank, granted about Ksh 610 million.³¹ The government approved the implementation of the project on State land in a plot of about 18 acres situated between the National Youth Service Institute and Utalii College. The Kenyan and German governments signed a joint venture. The execution of the project and the management of the funds were then entrusted to the Archdiocese of Nairobi. Archbishop Ndingi Mwana a’Nzeki appointed Father Klaus to head the Amani Housing Trust, which was created to implement the programme.

In May 1992, when the Mathare 4A Slum Upgrading Project was put on the public agenda, the Church officially notified the tenants and the owners of structures or land about the programme. They were counted and invited to appoint their spokespersons to the Amani Housing Trust; to the Catholic Church which in Mathare 4A was representing the interests of the Kenyan government, to the Kreditanstalt für Wiederaufbau (KfW) and to the Archdiocese of Nairobi. The goals and modalities of the programme’s implementation, planned for between 1993 and 2001, were then made public.

It was planned in the first phase to construct 8000 one-room houses (or improve on existing houses) for Mathare 4A residents, who would remain tenants. Rent would be paid directly to the Amani Housing Trust and no longer to the owners of structures. During a grace period of one year, the beneficiaries would pay a token rent. At the time, Father Klaus was quoted as saying that “*the rent would be identical to that normally paid by the tenants*”.³² The monthly rent set at a Ksh 500 ceiling was to be between Ksh 350 and 450. But the beneficiaries would also contribute to any new expenses: water, electricity, etc. The monies collected would be used to build and maintain houses.

In the second phase, the land and structure owners were to be expropriated and compensated from the programme’s funds. The cost of structures was calculated at between Ksh 4000 and 12,000. These owners were obliged to sign the sale of their properties and commit themselves never to claim in the future any right to property. Even if they lived in Mathare 4A and were owners of several shacks, the owners were only entitled to one house in the programme, for which they paid rent. The owners who did not live on the site were merely compensated. The programme favoured tenants as a priority.

31 *The Standard*, 21 February, 1994.

32 *Ibid.*

Lastly, in the third phase, the infrastructure works would be undertaken—paved sidewalks, the sewer system, roads, public lighting, garbage collection, waterworks and the construction of collective sanitary washing facilities per unit of ten houses. It was also planned to create a community development office responsible for social work, building a hospital, a primary school and three commercial centres. There would also be an allotment destined for small enterprises.

The Mathare 4A Slum Upgrading Project was commissioned in 1993, the Amani Housing Trust setting up as a real estate construction company in its large offices (equipped with computers and telephone lines—non-existent elsewhere in the slum). Father Klaus was still the director and Stephen Muthua was appointed the deputy director.³³

Before the new houses could be built, the existing shacks had to be demolished. However, the tenants and owners of the structures opposed the demolition. The company did not hesitate to use the same methods employed by the City Council and sent policemen assisted by gangs of hired youths. The youth were well-versed in urban violence tactics. Politicians hire them for temporary job as ‘hoodlums’ during electoral campaigns. So, as the police gave orders and chased the inhabitants with batons, the youth raided the shacks destroying all that they could find and evicting reluctant dwellers. After that, the project could continue.

Amani Housing, which makes and executes all its decisions without consultation or seeking anybody’s approval, seems to enjoy great independence with regard to the local authorities³⁴. This autonomy comes from Father Klaus himself who uses the full powers conferred upon him by the Kenyan government, the German Embassy and the Archdiocese to take decisions without consulting the City Council, the area MP or Area Councillors. It is noticeably he who directs works and chooses ‘his employees’ (certain residents accuse him of only hiring the Kikuyu). That is the reason why the local media and residents often talk of the Father Klaus project not of the Amani Housing Trust project.

This managerial autonomy, the lack of public authority involvement, the absence of consultation with local authority and grassroots organisations shows the existing divide between top and bottom politics. However, the church’s independence is not absolute. The implementation of the programme generated protests against the social and political control inherent in the Father Klaus project, where personal interests and client/patron relationships clash. The owners of the structures protested and rejected a project that deprived them of their resources. The tenants, on their side, denounced the allocation

33 The company employs engineers and workers from outside Mathare 4A and offers temporary employment to many of the slum’s residents.

34 It is only since 1995 that representatives from the Ministry of Public Works and Housing, the Ministry of Land and Settlement, the City Council and the beneficiaries began to participate in the project meetings.

of new houses to people who did not live in the slums. Whereas the protests might have been transformed into a social struggle, there have been no clashes between social groups. By invoking their rights, the two stakeholders have moved closer together and their demands have become political. Furthermore, since the different legislators who have succeeded each other in Mathare 4A cannot dispose of the land in the slums, they support the owners who want to keep their shacks.

During this period, where respective economic and political interests converged and client/patron relationships become evident, the protests and politicising of the project have increased. During the 1992 elections, the politicians' language was tainted with tribalism³⁵. The FORD-K (Forum for Restoration of Democracy, Kenya) Luo candidate, Ochieng' Mbeo, elected MP of the constituency in October 1994, called on the Luo community in Mathare 4A to defend their tribe and their rights by voting for him. He also urged the Kikuyu to vote for him since the Luo have always voted for the Kikuyu. Mbeo then promised the inhabitants to fight for them to become owners. By choosing to support opponents of the project, politicians clearly show that they do not wish to establish a public policy or to defend the right to land—they are merely hunting for votes.

The first phase of the programme (which should have lasted until 1997) saw the eruption of the first disputes, which were peaceful and confined to the slum area. The Church had started compensating the former owners, presenting the building plans to tenants and demolishing and building. The tenants whose shacks had been demolished were re-housed elsewhere while waiting for their new houses. When the latter were allocated, the tenants had to pay a Ksh 420 rent to the Church. The protests then intensified and the inhabitants refused to pay the rent, citing the quality of the new houses. The crisis became public from 1994. The tenants and owners of structures first demanded that the government allocate or sell them the slum land where they would develop the renovation programme themselves, but their demands were rejected. The revelation that Mathare 4A land had been transferred to the Church triggered a wave of dissatisfaction. All the ingredients were then in position to sink the project and set off the first large protest movement ever seen in Mathare 4A.

From the slums to the courts (1994–1997)

The struggle of the Project, called 'the resistance movement', started in 1994. It brought together people having interests in Mathare 4A and showed the social gap existing in the slums between the 'poor' and the

35 The election of M. Muraya, FORD-A, in 1992 as MP was contested by the other candidates who accused him of fraud. In by-elections held in June 1994, F. Masinde, FORD-K was elected as the new area MP but he died on June 27. The Luo candidate, Ochieng' Mbeo, was elected after new by-elections organised on 31 October, 1994.

‘rich.’ In Nairobi and the slums, the former make up a small middle class that has become rich notably by grabbing public land. Among them are the owners of structures who do not reside in the slums. They were opposed to the programme because they could not get houses. In addition, they claimed that the compensation paid for their expropriation was insufficient. According to them, it did not equal the social and financial investment they had made to make the place habitable. They demanded a revaluation of their compensation and access to the Project’s houses. The owners of structures living in the slums, on the other hand, denounced the loss of revenue and social status resulting from the Project. After having lived for years, or even decades, as owners of one or several shacks put out for rent and after having been recognised as petty bosses on the slum’s economic and political stage because they were allied to local politicians, the Project reduced them to the level of simple tenants. They thus lost any socio-political legitimacy in the eyes of their fellow residents. As a result, they rejected the amount of compensation as unfair. In reality, the main reason all owners of structures rejected the project is that the Mathare 4A Slum Upgrading Project took away their livelihood: the renting of shacks.

Finally the tenants, who form the poor population of the slum, refused the one-room shacks as being almost identical with their previous housing. The houses delivered did not correspond to the model house shown in the Project offices. The tenants also protested the rents, which could total Ksh 800, double what they were paying before. This hike was linked to costs that the tenants were not paying before due to lack of access to public services. They also denounced the presence of ‘foreigners’ in the slum—close associates of politicians and of the Church, or employees of the Mathare 4A Slum Upgrading Project who were allocated new houses. Furthermore, tenants of former shacks had stopped paying rent to the owners of structures being expropriated. The tenants discovered that these so-called owners were not true landlords. They, therefore, denounced the fraud in which they had been paying rent to owners for property that didn’t belong to the ‘owners.’

It was therefore the owners of structures, the great losers in the Project, who started the resistance. When they indicated their aim of being allocated land through purchase or by government lease so that they could benefit as owners and tenants, the former joined in. The owners of structures, with the help of Area Councillors and the local MP have become the spokespersons of the Project’s opponents; they represent the ‘victims’ of injustices caused by Father Klaus *vis-à-vis* the authorities. We must bear in mind that it is the politicians who, directly through their close associates in the City Council, and in accordance with the law, granted temporary land occupation licences and, in exchange, the politicians got their votes and those of their tenants. By helping their clients in their demands, the politicians have been assured of

their support, especially their votes, in the future. It is in this context that a triad, comprising owners-tenants-politicians went to court to demand that the programme's land and funds be allocated to the inhabitants and the owners. Once the support committee was created, nobody paid rent to the owners of the structures or to the Church. The boycott of the Project had started.

The movement brings together citizens with divergent interests. The owners hope to reclaim the revenues collected from the renting of structures, while the tenants want to preserve their living space. But these two groups claim access to the ownership of the land. Such an organised protest action has never been seen before. It does not claim to belong to any existing association or party and it functions with a committee made up of leaders who are appointed in a clandestine manner. They meet informally; the delegates vary, depending on the availability of each person. Born out of need and an immediate interest, the movement is not a political entity (though it serves political interests) and, in the first place, it only brings together citizens who feel affected by the Project. As for the politicians, they are following 'their people.' At this stage of the crisis, the disagreement is not a communal mobilisation but rather a series of protest actions, limited to Mathare 4A.

The temporary alliance between ordinary citizens and the owners has, for the time being, made their traditional antagonism disappear. The struggle is therefore functional and the alliance flexible, since they adapt and disappear depending on the needs and interests of the stakeholders. In this context, the committee first asked the Church to hand over the land and funds so that it could renovate the houses itself. The committee contends that the former residents or owners are the direct beneficiaries of the Project. They therefore have the right to stay in the slum. The tenants reiterate that they have been squatting in Mathare 4A for half a century; they therefore should logically be the first beneficiaries of the programme and not the Church. The Church has rejected the petitions by reminding the people that it has the right to implement the Mathare 4A Slum Upgrading Project according to modalities approved by the government and by the donors. Each faction clung to its position and the negotiations between the Church and the Committee quickly stalled. As a result, in 1995, the committee instituted legal action against the Church in the Makadara Court. It demanded the return of structures and Project funds to the inhabitants and offered to buy the land from a common fund created by the inhabitants. Thus, assisted by funds given by the German government, the inhabitants would buy the land and develop the slum according to their needs. The delegates also stated that if the Church has the right to dispose of the land, the costs of constructing the houses, financed by donors, should not be met by the residents in the form of rent. The houses should be allocated free of charge.

In this litigation, the two parties have equally shown their intransigence. Father Klaus and the lawyers for the Archdiocese of Nairobi represent the Church. The inhabitants have contracted a lawyer to defend them. After six months of proceedings, the court rejected the committee's petition. The Church remains authorised to implement the project according to the clauses stipulated in the joint-venture: the owners of structures will be expropriated, no inhabitant will be granted title deeds for the plots and all tenants should pay rent to the Church.

The Makadara Court's judgment strengthened the protest. After the verdict, the inhabitants accused the court of siding with the Church at the expense of Kenyans. According to some, the government used intimidation by deploying many police officers around the court during the proceedings. The legitimacy of the government is therefore questioned and politics loses its credibility. After that, a new call was made (which excluded politicians), urging all the residents to unite against the Project and it proved to be quite effective. The different ethnic groups came together since it was no longer a question of defending Luo (mostly tenants) or Kikuyu (mostly owners) interests. The resistance movement, started by bankrupted petty bosses, turned into conflict following the union of most of the residents and of the local Luo, Kikuyu, Kamba and Luhya personalities, upon whom the residents conferred the status of true leaders of the local micro-politics. The conflict encouraged ethnic unity while reinforcing a plural and politicised Mathare identity.

The clandestine leaders, who are well known in Mathare 4A and in Eastlands then entered the picture. A good example is that of an 80-year-old woman leader who has lived in the sector since the creation of the slum. She is well known for having taken part in the fight for independence in the 1950s alongside Mau Mau fighters. She is a legendary person and neighbours highly respect her anti-colonial militancy and her courage. She was therefore seen as a natural and ideal leader to represent the residents and lead the new protest. Like all Kikuyu and, indeed, generally all inhabitants of the constituency, she had always been opposed to the ruling party, KANU. At first, she was a Democratic Party (DP) activist. She then joined NARC, a coalition that ended KANU's domination by bringing President Mwai Kibaki to power in the December 2002 general elections. This woman is also one of the owners of structures whose property was expropriated. She lost the revenue that she had been used to getting for thirty years from renting about ten shacks. Like other former owners who did not reinvest outside Mathare 4A, she now had to look for other means of surviving. She sells vegetables in the neighbouring markets and *chang'aa* in the only house that the Project allocated to her. Thanks to her charisma, her moral authority and her ability to lead, financial bankruptcy did not shake her fame. With other local former leaders, she started a new resistance movement by notably comparing the Mathare 4A Slum Upgrading

Project to a 'Second colonisation of Kenyans and of Mathare 4A inhabitants by Whites.' She inspired peoples' minds by telling residents that "*with his project, Father Klaus was using colonial tactics, which take away land from Kenyans: just like Whites did in Rift Valley at the time ...*" Other clandestine and official leaders spoke out using the same language, usually spoken in private. "*Father Klaus has colonised us again. Now a White priest is leading us. If we let him do this, he is going to become a 'little white Moi.'*"

The enrolment of such influential leaders allowed the movement to restructure itself. The new strategy was to attack the Amani Housing Trust offices and its director *in situ*. In each estate, owners, tenants, women's associations, supporters from other sub-locations of Mathare Valley, sects, poor neighbours and street children were mobilised to launch new demonstrations. They marched to the city centre to ask the government to intervene so that the Church could hand the Project over to the inhabitants. Many times, leaders and demonstrators were arrested and charged in court.

The protest did not solve the crisis. After having delegated all the powers to the Church, the public authorities did not take any initiative. It was, therefore, the Church at Father Klaus's initiative, which sought out a solution to the conflict. In 1996 and with the backing of the Kenyan government, the Church set up a task force led by Fr. Njoroge consisting of officials from the Ministry of Housing and the City Council and two delegates from the opposing parties. This task force was to study the protestors' petition and propose improvements to the project. While the task force was going on, resistance continued and the Mathare 4A Slum Upgrading Project continued its work. In 1997, 1400 families (out of 8000) were living in the new one-room houses, of which some have access to common sanitary facilities. Mathare 4A at the time had 5.5 metres of tarmacked roads and sidewalks. However, the task force's work and infrastructure work were troubled when people learnt that the government had allocated the Mathare A4 land to the Catholic Church on a 99-year trust/lease.

In Mathare 4A at the time, the only topic of discussion was the grabbing of the land by the Catholic Church. The public housing Project ground to a halt and what could have become a confrontation between social groups (rich versus poor, Catholics against non-Catholics, Luo against Kikuyu, government supporters versus opposition supporters), in fact encouraged the unification of the inhabitants. Ignoring differences in class, religion, politics or ethnicity, the inhabitants decided to act together against the programme and to defend their land rights.

General boycott of the programme (1997–1999)

The grievances kept changing: the demands no longer focused on the size of the houses and the price of rent but on access to land. The main intention was to denounce the allocation of land to the Church, that is, to foreigners, and

to demand that it be returned to the inhabitants of Mathare 4A, to Kenyans. The language was filled with patriotism. The incumbent MP Ochieng' Mbeo and the new MP Adolf Muchiri took part in new demonstrations that were assembled. This new crisis was in fact triggered just before the December 1997 general elections,³⁶ when Adolf Muchiri, a Kikuyu and a member of the Democratic Party was elected MP. He had, in his Mathare 4A campaign, used the same unifying and multi-ethnic language and had promised to defend the inhabitants against the Project.

In this context, the protesters called for the boycott of the programme and accused the government of 'betrayal'. They demanded that the Church and its employees leave the slum. In the absence of public authorities, it is Father Klaus who had to confront the protesters. According to him and S. Muthua, his deputy director, renting the houses and not granting ownership is the best way to avoid speculation on land and real estate. If the Church granted ownership to the inhabitants, they would not enjoy the developments but would simply rent or sell the houses and go and squat elsewhere. Not issuing title deeds, granting the land to the Church, and asking the inhabitants to pay rent, would be the best way to prevent the inhabitants from leaving the slum and to guarantee that the goals of the Project are not diverted.

The government, the Church and Father Klaus then became the targets for denunciations. Slowly, the protesters built up their portrait of the enemy. The enemy was not immediately identified as the government, but given the manner in which the Project functioned, it was rather the Catholic Church and Father Klaus. There was, therefore, a transfer of responsibility and for some time, the religious aspect became dominant. The clandestine leaders started accusing the Church of having changed its Christian, moral and ethical principles by trading with the State and they argued that the role of the Church is to protect its flock and not to take away its rights. The leaders announced that they would defend themselves against the State, even through the use of force if necessary, as they have always done against demolitions and attempts to evict them by private owners, urban entrepreneurs and the City Council. Towards the end of the 1990s, the authorities had already wanted to evict them and demolish their shacks in order to allow for the expansion of a public organization, the Kenya Power and Lighting Company. Now the government was not evicting them but was taking away their land and giving it to Father Klaus who was being called a thief. Father Klaus, founder and manager of the Mathare 4A Slum Upgrading Project, therefore became the No. 1 enemy. The order to boycott the Project became generalised. Father Klaus, as well as all the employees of the programme, were declared *persona non grata* in the estate.

36 In 1996, the Mathare constituency was divided into two, Kasarani and Starehe. The poorest slums, such as Mathare 4A, were to be in Kasarani. Cf. NCKK, *Study on the Creation of the new Constituencies in Kenya and an Overview of the on-going Issuance of Second-generation ID Cards*, Nairobi, National Council of Churches of Kenya, 1996.

First, he could not access his offices and then he was prohibited from entering the slum. Project employees were attacked and threatened.³⁷ Father Klaus's life was in danger and he had to leave the slum and his duties as manager in 1997. But as a representative of the Church he remained with the Project and took part in negotiations with the protesters until 1999 when he left the country for a sabbatical year. In 1997 the management of the Project was given to S. Muthua, deputy to Father Klaus, who was also declared *persona non grata*; to gain access to his offices, S. Muthua had to be protected by the police and young Democratic Party activists.

Despite the risks for all those who were concerned with its management, the Project was maintained. At the end of the pilot-programme, a hundred and fifty houses had access to public services (toilets, showers, public lighting, etc.). A small dispensary, two day-care centres and thirty small kiosks were also opened.³⁸ The salaries for the employees of the Amani Housing Trust had been paid. On the other hand, the project was not progressing according to the set deadlines mainly because of the general situation but also due to a lack of resources to reinvest, brought about by the residents' reluctance to pay rent. However, the work continued at a slow pace and new houses were allocated; the rent collectors continued claiming rent that the tenants always refused to pay. In order to collect the rent, the manager did not hesitate to use force, sometimes using tactics of a kind never seen before in the slum. The rent collector, followed by gangs of youths, would enter by force into a defaulter's house and remove the new doors and windows. Another method consisted of chasing the occupant, removing the roof of the house and locking the door with two padlocks. The third tactic, though less original, consisted of chasing the residents and demolishing the houses with clubs, truncheons and bulldozers; it was inspired from the repressive tactics used by the City Council and landlords in the poor areas of Nairobi since the colonial period. According to the people we spoke to, there was no discussion to define the procedures to follow in the case of non-payment of rents or rates. There is no judicial institution to which the evicted inhabitants can appeal. The management's decisions are law. The administrators told the complainants that they had been warned of the consequences of not paying rent; most of them have lost their housing. The evicted residents are then excluded from the programme and the administrators are free to allocate the empty houses to other people who do not necessarily live in the slum. Like other public housing programmes, the main objective of the Mathare 4A Slum Upgrading Project to provide a house to all slum dwellers has been

37 Here the protesters repeated the same actions that they had done in 1996 when they attacked Father Klaus, some project employees and the co-ordinator of the social worker team. These attacks took place during a visit to Mathare 4A by delegates of the German financing agency and the Kenyan Minister of Housing to view the progress of the programme.

38 *Mwananchi* No. 274, p. 2, April 1999, Nairobi.

superseded.³⁹ In this context, the punitive actions are seen as a means to evict residents in order to allocate the houses to people foreign to the slum. Local politicians seem to play a double game by defending tenants and by supporting their clients from outside. These new tenants from outside the slums, who might have political backing or not, are often suspected to have given bribes to Project employees. In order to have a house, political patronage competes with corruption within the Project.

While the programme and negotiations were continuing, the crisis worsened. Very violent clashes took place in the slum in November 1998,⁴⁰ resulting in the deployment of police and many injuries. On November 11, slum dwellers repulsed gangs that had come to demolish their shacks; five people were injured and many more arrested. After a day of violence, S. Muthua declared that nobody was obliged to leave their house and that the violence had been instigated by a few Project opponents. However, these incidents continued. Gangs tried to evict protesters following orders from the programme administrators who had created a small 'judicial organ' inside the slum, taking advantage of the absence of State authority and with the approval of the police. Being thus protected by public authorities, the administrators demanded the immediate payment of rent arrears without which they would be evicted. They equally called upon owners to quickly negotiate and accept without question the compensation offered. After these final orders, the administrators went into action. On the 15th of December 1998, a gang of about fifty men, mobilised by the Amani Housing Trust and made up of Project employees, policemen and gangs of youth, arrived in Mathare 4A. Using truncheons and clubs, the policemen and the youths evicted inhabitants. With the help of employees, they threw their possessions outside and demolished more than forty shacks. The youths who hang around in gangs thus became temporary workers of the Amani Housing Trust. Their relationship with gangs of youth and political parties or sects gave them the power to commit acts of destruction and they were not afraid to use force and clubs on residents. These gangs, which were known and tolerated in the neighbourhood, were feared whenever they were transformed into youth militias.

By the beginning of January 1999, the Amani Housing Trust had already used some Ksh 122 million. The demolitions made it technically possible for work to continue but greatly increased the opposition as well as bringing complaints against the violence and the destruction of houses. After January, the Trust's employees were accused of negotiating for free land and new houses. Despite the local press highlighting the scandals, neither the public authorities nor the donors ever questioned the administrators. At this stage

39 Kenya Government, *Sessional paper N° 5 of 1966/67 on Housing Policy for Kenya*, Nairobi, Government Printer, 1966.

40 *Daily Nation*, 12 November, 1 and 16 December, 1998.

of the crisis, the failure of the public authorities to ensure the execution of public policy and their inability to ensure maximum control and regulation of the Project, were glaring. The absence of official control allowed the administrators to manage the Project like a private business. The punitive sanctions accentuated the protesting spirit by feeding the cycle of violence, and showed how the private sector can reclaim and refine punitive procedures, which in theory are only conferred on public authorities. Paradoxically, whereas the administrators had lost their credibility, the government was eventually perceived as being the only institution that could save the 'victims' of the Project.

Temporary suspension of the project and the setting up of a Task Force (1999–2001)

After having been uninvolved during almost six years of conflict, denunciations, verbal and physical attacks, the public authorities finally decided to intervene on the 27 January 1999. To try and remedy the crisis, the government ordered the temporary suspension of the project.⁴¹ It set up a task force mandated to investigate the root of the resistance and to propose solutions. The government was represented by officers from the Ministry of Public Works and Housing, from City Council and the Provincial Commissioner. The Catholic Archbishop of Nairobi sat on behalf of the German government in the person of Father Klaus, plus Fathers Gachunga and Kung'u and Brother Daniel Waweru. The inhabitants of Mathare 4A were represented by leaders appointed by tenants and owners. Adolf Muchiri, the area MP and the Area Councillors sided with the protesters.

The task force started by identifying the problems that arose during the implementation of the programme. The delegates for the inhabitants, who believed that the project was based on "*lies, which they discovered too late,*" tabled a series of complaints, denunciations and petitions. For example, when the Father talked about the Project in the early 1990s, he led them to believe that they would become owners of the houses, but instead they had remained tenants. The delegates demanded that the agreement signed with the Church be cancelled and the ownership of the land and houses be granted to them. They explained that little had changed compared to their previous shacks: the new houses were too small and the floors and walls were still made of earth; the sanitary services were not individual but collective. They had simply exchanged a one-room shack for a one-room house at a rent of Ksh 420 against the previous Ksh 200–300. That was the reason they had refused to pay rent. They also denounced the evictions; the shacks remained empty whereas they could have been allocated to evicted families.

The complainants were supported by the MP, A. Muchiri, who declared he had inherited a known problem and denounced the former area MPs. A. Muchiri condemned the recruiting of militias/gangs by the Church to

terrorise the inhabitants. Instead of using these means, the Church should have identified the causes of the opposition. *“Many people are in the slums since 1924, they don’t have anywhere else to go, how can the Church evict them without offering them alternative housing? Why does the government give ownership of the land to the Church and not to the families that have been living there for decades?”*⁴¹ Saying that the inhabitants had asked the public authorities for access to ownership since the beginning of the project, the MP asked the task force to facilitate the purchase of plots and provide renovation free of charge.

During the second phase of discussions, the administrators explained that the increase in rent was due to the provision of public services. The construction of cement walls and floors was not a priority since these investments would generate additional costs for the beneficiaries. The size of the houses was adequate. *“Studies have shown that bigger houses have higher costs that tenants cannot cover.”* Father Klaus explained that from the beginning of the Project, *“we knew that people who earn a living from collecting rent from tenants were going to protest. That is why we asked donors to authorise compensation for the loss of their structures.”* According to the Church representatives, if the inhabitants became owners of the land and houses, they would control the Project. A group of owners would emerge again, taking advantage of investments made by the Church by getting rich through rent. Furthermore, since the inhabitants will have a better habitat, they will invite their relatives in the countryside to come and live with them and this would increase migration towards Nairobi, causing a negative effect on national development. Having decided to play a regulatory role in the migratory flow and in urban demography, the Church stuck to its guns—the Project would continue according to the established criteria and ownership was denied to the inhabitants.

According to figures presented by the Archdiocese of Nairobi, in the beginning of the 1990s, 92 per cent of the residents of Mathare 4A were tenants who paid rent to owners of structures compensated by the State. According to Kenyan law, even if these people profit from the use of land over several years, they do not have the right of ownership. Their claims are therefore not admissible. However, even if the law does not necessarily stipulate compensation for illegal usufruct, it does not prohibit it. That is what the Church did by giving compensation ranging from Ksh 5000 to Ksh 550,000, the amount being proportional to the number of structures held by each owner. In 1999, the Project had paid more than Ksh 30 million in compensation for more than 5000 houses and Ksh 3.7 million was still reserved for compensation of the owners of 745 shacks. It is true that the owners are not the poorest in the slums—where many of them do not live—and some have reinvested their profits elsewhere. But those who did not

41 For these statements, see *Daily Nation*, 21 and 22 February, 1999.

own their Mathare 4A houses have been ruined by the Project. However, the owners who do not live in the slum and who are better connected politically and had been compensated, continue to oppose the Project and demand access to ownership.

On the 27th of February 1999,⁴² Noah Katana Ngala, Minister of Public Works, communicated the decisions taken by the Task Force. The Amani Housing Trust could resume its work. The land and the houses would not be sold since the poverty of the inhabitants does not allow them to buy the houses. It was therefore impossible to convert the renovation project into a Tenant Purchase Scheme. The houses would be improved with funds collected through rent and the inhabitants of shacks would be given priority in the allocation of new houses. The Project Director would define the necessary procedures to make the indebted tenants pay up. As from 1 March 1999 the rents were reduced from Ksh 600 to Ksh 420 to Ksh 400. In future, the rents would be set depending on economic indexes.

In the search for solutions adapted to the problem, the debates within the Task Force were limited to the defence of each party's positions. No solution reconciling the interests of the different factions having been found, they came back to the *status quo ante*. The Task Force's radical decision only increased the dissatisfaction of the complainants. From that time the opposition to the Project grew, and the crisis, at first controllable, deepened and became a stalemate. Other players in associations and religious organisations joined the protest movement. The boycott of the programme was soon followed by civil disobedience.

In February 1999, the protesters started a series of actions. The most publicised was the sit-in at the Holy Family Basilica of Nairobi where they staged a hunger strike. This sit-in was symbolic: the protesters brought their demands to the seat of the same institution with which they were in conflict. Each day, strikers were accompanied by their neighbours from the slum. Strikers who returned home were replaced by new people; others were arrested by the police and later freed. The area Member of Parliament, A. Muchiri, went to express his solidarity and to offer his intervention. The demonstrations continued simultaneously in Mathare 4A where they targeted the Amani Housing Trust offices. Some demonstrators toured the Kasarani constituency and met in front of the office of the District Officer. Marches were organised in the city centre to present petitions at Nyayo House. Clashes erupted during demonstrations when the police tried to disperse the protesters using clubs and truncheons. The protesters defended themselves using all means necessary. Several demonstrators including slum leaders were arrested

42 *Daily Nation*, 28 February, 1999.

and taken to Makadara Court where they were charged with public incitement. They were freed after Father Klaus intervened. According to these leaders, Father Klaus interceded in their favour. Other residents of Mathare 4A who had been detained and charged with public incitement and lack of respect to public authorities were also freed following pressure from neighbours as well as the intervention of lawyers from Kituo Cha Sheria (Legal Centre) and leaders of Muungano wa Wanavijiji.⁴³ The demonstrations against the project continued with different degrees of violence all through 1999 and 2000. On the 17th and 18th October 2000, a confrontation between estate residents and the police ended with at least two dead and many injured. The opponents were accusing the Project employees of selling the new houses at Ksh 5000 to people from outside and denounced the hike in rents. Cars and some new houses were destroyed and the Amani Housing Trust's head office was targeted and damaged.

The authorities responded by sending the police to quell the demonstrators and protect the Project's employees and head office. The Archdiocese of Nairobi condemned the destruction of the houses and again rejected the opponents' demands. The crisis reached its climax on the 24th and 25th January 2001.⁴⁴ The house occupiers received the order to pay their rent arrears from 2000 or leave the houses. The Project administrators estimated the annual revenue from rent to be Ksh 25 million in 2001 (of which Ksh 10 million was in arrears) against Ksh 6 million in 1997.⁴⁵ This ultimatum lit the fuse. Youth militias from Mathare 4A, armed with stones, clubs, machetes or bow and arrows faced the police who used truncheons and tear gas. The gangs ransacked the construction company's warehouses and destroyed cars. Goods worth more than half a million shillings were destroyed or looted from the Projects' head office and elsewhere in the slum.

THE CREATION OF A PUBLIC PROBLEM

The implementation of the Mathare 4A Slum Upgrading Project was a landmark in how to organise and direct public protest. It generated a series of developments that led to a rethinking of the modes of Project management and public policy control as well as the use of police and public violence. The new houses have still not been allocated to the designated beneficiaries, which confirm the Project's derailment and corroborates the accusations of corruption so frequent in the programmes authorised by the public sector,

43 The first is an NGO, which dispenses paralegal assistance and specialises in land issues; the second, *Network for Slum Dwellers*, specialises in defending squatters and tenants.

44 *Daily Nation*, 20 January and 27 April, 2001.

45 *Daily Nation*, 27 April, 2001.

especially in Eastlands. In order to compel the payment of rents, the Project administrators put in place new methods of repression. Indebted tenants were thus excluded from social services organised by the Catholic Church in the slum, like the dispensary. Children have also been excluded from sports activities, day-care or even primary school.

New socio-political representations: redefinition of roles in the protest

These management initiatives modified the public image of the police. Before the launching of the Project, the police were not really perceived in Mathare 4A (and elsewhere in Nairobi) as an institution at the service of the public. The police were synonymous with intimidation, violence, tyranny and corruption. Since 1997, police contingents ensured the security of administrators and offices. The erection of an official police station to serve a private institution and a *muzungu* priest reinforced the residents' mistrust of the police. The repressive methods used during the demonstrations served merely to greatly increase the feeling of insecurity already present in the slum.

The evolution of police actions closely follows the mutation of public protest practices. The protest started with marches, anti-clerical and anti-government speeches, and there was some stoning. But after the 1999 crisis, clubs and pocketknives appeared with which to fight the police and programme employees. The public protest then turned to sabotage, looting and destruction of the Project's infrastructure. But it is the reshaping of youth militias that better portrays the true change in public violence. At the beginning of the programme, these gangs were recruited in the constituency to work as hooligans for the Amani Housing Trust. At the start of the crisis of 1999, the recruiting of youths from outside Mathare 4A began in all the estates of Eastlands as disenchanted youths from the slum stood beside their elders and their families. This repositioning can be explained by the fact that the majority of the youth of Mathare 4A is unemployed; that there are many who live with their parents and that the money they earn as foot soldiers is not enough to buy a meal. Furthermore, they are often paid in kind with *chang'aa*, *busaa* (traditional beer) or snuff.

It is in this context that youth militias from Mathare 4A, from 2000, were formed. Armed with stones or clubs and bows and arrows or machetes, they confront the police and their former comrades from the slums. The army of youths is divided between those from Mathare 4A who oppose the programme and youths recruited from other estates in Eastlands to defend the project.

Rumours started by militia members from outside and by general supporters of the programme created confusion. Part of public opinion thought that the people of Mathare 4A refused new houses because they preferred to live in huts, in filth and without public services. Others thought that the Church would give the new houses free of charge. The inhabitants of other Nairobi

slums criticised those in Mathare and offered to exchange their shacks for the new houses. In this climate, the Project administrators and the police did not find it hard to recruit voluntary or remunerated auxiliary forces among the youths from the other estates of Eastlands. These recruitments broke the social inter-neighbourhood links and contributed to setting estates against each other. The political consequences of this practice would be measured during the December 2002 elections.

The opposition is structured along very clear lines. During the 2000 and 2001 confrontations, the Project employees, the police, the youth militias and neighbours from elsewhere clashed with tenants, ex-owners and gangs from Mathare 4A. During these clashes, Mathare 4A was in chaos, roads were blocked, houses half destroyed, detritus from the shacks as well as old tyres were used to light fires, garbage was thrown on Project employees and head office and everybody had to protect themselves from tear gas, bullets, arrows, clubs or stones thrown by the fighters, mostly dressed in civilian clothing. However, there were no deaths resulting from these clashes.

How a public problem is born

These clashes motivated the involvement of other pressure groups, but not the public authorities. In the beginning, opposition to the Project was more political. It was no longer confined to the slum and took an urban dimension. From 1998, organisations such as the Kenya Human Rights Commission, Kituo Cha Sheria and Release Political Prisoners were involved in the defence of Mathare 4A inhabitants. From 1999, these groups replaced the public authorities by intervening to try and restore dialogue between the parties in conflict and by interceding to ensure that payment of compensation to owners who lost their main source of revenue would be respected. They also gave legal assistance to the protesters in court and to tenants who claimed the right to land. Certain politicians from neighbouring constituencies, like David Mwenje, at the time MP for Embakasi, and many Area Councillors from Eastlands supported the protesters for electoral purposes. Local churches, other than the Catholic Church, either officially or apparently, helped the protesters by accompanying them during demonstrations, advising them on negotiation strategies and by raising the money necessary to pay lawyers and sometimes by paying the fines.

Sects such as Mungiki, Akorino and A-Israel also assisted the resistance movement. Mungiki⁴⁶ was particularly involved in the protest and the clashes in Mathare 4A, where it has active members and enjoys the support of many inhabitants, especially the youth. Mungiki was mainly made up of matatu touts

46 For more on this, see the works of Hervé Maupeu.

and their followers in Mathare 4A and ensured their survival by racketeering the bus No. 25 route (Thika Road–Ruaraka). Mungiki most often operated in the service of public figures by ensuring security in an estate or for a person. However, in the Mathare 4A crisis, Mungiki sided with the youth militias by defending their elders, former owners of the structures ruined by the Project. During neighbourhood meetings, its members did not present themselves as sect delegates but as slum inhabitants prejudiced by the project. Local leaders of Mungiki organised demonstrations or they took part in court hearings where arrested Mathare 4A residents were charged with public incitement. The language used by Mungiki is similar to that spoken by the Kikuyu leaders in the slum. They speak of the ‘re-colonisation’ started by the Church and the ‘theft’ of Kenya’s patrimony by the grabbing of land in Mathare 4A. Mungiki did not offer any financial assistance to rebuild demolished houses, but provided gangs to defend the inhabitants against the Project and against the police.

Furthermore, the implementation of the Project instigated a new non-violent communal mobilisation. Despite the fact that the administrators of the Mathare 4A Slum Upgrading Project favoured the severing of social inter-neighbourhood relations, not all were against the Mathare 4A protesters. Inhabitants of other slums and estates in Eastlands took an interest in the evolution of the Project. They lived in the same conditions as their neighbours in Mathare 4A and also risked losing the houses and land that they occupied. Some therefore founded new associations to protect themselves from Projects such as Mathare 4A. In Mathare 4B (sister slum to Mathare 4A), for example, the Catholic Church was preparing a project similar to that of Mathare 4A. Since 1995, the inhabitants of Mathare 4B had created a cooperative that was run on funds collected from *barambees*⁴⁷ in order to be able to negotiate with the public authorities for the purchase of the slum land which was still the property of the State. The inhabitants, with the help of the government and donors, hoped to implement housing construction and employment creation projects. Initiatives similar to that of Mathare 4B have taken place in other slums in Eastlands, such as in Gitari Marigu, Huruma Estate, Korogocho, Mukuru, etc.

The development of the Mathare 4A Slum Upgrading Project, instead of leading to the implementation of a public policy, led to the creation of a public problem. For the administrators, the quasi-failure of the project comes from anti-social and delinquent behaviour, which prompted them to use force. For the tenants and the owners of structures, it is the deprivation of their revenues and living space and the loss of control of what goes on in their

47 Meant for the collecting of funds for community activities, *barambee* (“let us pull together” in Kiswahili) was a key ideological element of the first Kenyan President, Jomo Kenyatta (1963–1978). From the 1980s, under the regime of President Daniel arap Moi, *barambee* disappeared as an ideology and became a political and social activity meant to collect money for social projects.

environment, that are at stake. Economic activities (renting and access of sites designated for informal commerce) and buildings for social activities (small schools, women's associations) are actually under the control of the Church. The Project objectives of improving public services or public lighting do not match the immediate needs of the inhabitants, who are looking to ensure a minimum revenue and access to basic services such as health. The new houses were allocated to people from outside and to public sector employees (partisans of KANU until 2002), who could pay a rent of about Ksh 800 per month. The new houses were immediately rented out and the tenants only had a change of owner: some pay rent to the Church, others, just as before, pay to individuals who do not live in Mathare 4A.

The Mathare Valley project therefore reproduces the same problems as the Site and Services Schemes. Numerous tenants are still unable to pay rent. In Mathare 4A, the tenants still live below the poverty line and gain their revenues from activities developed in the informal sector of the economy. Having been used to live from hand to mouth in order to survive, it is not only the question of rent that arises but also that of food, education for the children and health, especially with the prevalence of HIV/AIDS.⁴⁸ Due to the lack of alternative solutions, the tenants agreed to pay rent to the Church by counting on improbable revenues. But whereas they could bargain the payment of arrears with the former owners of structures, the Project administrators did not hesitate to throw them out.

The Mathare 4A renovation Project revealed the structural problems of slum dwellers. The crisis also showed that the results of the Mathare 4A Slum Upgrading Project did not live up to expectations. The event thus became a manifestation of endemic problems that fed a feeling of exclusion⁴⁹ and led to the creation of a public problem. The allocation of the land to the Church revealed a problem that the public authorities did not want to see. To acknowledge the problem and solve it would have forced the public authorities to undertake a programme of distribution and legalisation of urban land occupied by poor social classes. At the moment, the public authorities are not ready to undertake such a reform. In Mathare 4A, as in Eastlands and everywhere in Kenya, land is the bargaining chip on which the patronage system, from where some gain their wealth, is founded.

Which urban governance?

The Mathare 4A Slum Upgrading Project strengthened the mistrust towards public authorities who were absent from the decision-making process and

48 In Mathare 4A as elsewhere, AIDS leads to the loss of the ability to generate revenue and creates new expenses in health care (small as they may be), in the caring of orphans and burial expenses.

49 Stone, D., 'Causal Stories and the Formation of Policy Agendas', *Political Science Quarterly* 104, 2, 1989: 281–300.

incapable of finding a solution to the crisis. The only official representatives to speak out to help the inhabitants and/or to try and solve the crisis were politicians from the constituency and other estates in Eastlands but even these did so for electoral purposes. Urban governance, then, obeys politicians' interests, and was dominated by KANU representatives until 2002. The public policy elaborated in 1989, was therefore negotiated, sponsored and implemented by KANU, represented by Z. Maina (Area MP from 1989 to 1992), a close ally of (former) President Daniel arap Moi. A practising Catholic and a faithful member of the Benedictine Parish in Mathare, Z. Maina is also a friend of Father Klaus, with whom he negotiated the implementation of the Project. Rumour has it that his support for the Project allowed him to obtain financial assistance from the Church, thus enabling him to finance his son's studies in Europe.

During the first multiparty elections in 1992, when the opposition to the Project was starting, the candidate for the political opposition (FORD-A), Macharia Muraya, sided with the owners of structures in the slum. During his campaign, M. Muraya promised to get the Project stopped in order to allow the owners of structures to recover the revenues from rents. He also took part in demonstrations against 'the KANU project' and denounced in the press representatives of the clergy and KANU politicians who had gained financially from the project. Ochieng' Mbeo (FORD-K), who succeeded Mr Muraya as area MP from 1994 to 1997, supported the protesters by reproducing the same electoral language as Mr Muraya. Mr Mbeo played the role of mediator between the Church and the project's opponents. It is said that while he was promising free housing, he received houses to allocate to his political clientele.

The politicians' strategies are similar. They make the slum electorate faithful by making promises and ensuring a clientele from outside by negotiating access to the new houses for their close associates (family or political networks). A. Muchiri, the DP Member of Parliament from 1997 to 2002, used the same strategy. Opposed to the Project, he supported and accompanied the inhabitants of Mathare 4A during demonstrations and in court. As a former owner of structures in Mathare 4A, he was compensated and received one house from the Project, even though he lives outside the slum.

The multiparty elections of December 2002 did not change anything. In the Kasarani constituency, Adolf Muchiri, the incumbent, presented himself as a KANU candidate against William Omondi, Luo candidate for NARC. Muchiri had been elected in 1997 under the Democratic Party but like many other Kenyan politicians, he defected—according to some sources—for fear that the opposition would lose the elections. Muchiri's campaign was identical to previous campaigns, centred on tribal language and appealing to the Kikuyu to vote for him.

William Omondi, a Luo, lives in Kariobangi (a modest estate in Eastlands). He has a degree in Land Survey from Nairobi University. At the time he was elected, he was practicing as a private surveyor. Before joining NARC, Omondi was a newcomer to politics and was unknown to the political and community life of the constituency. It is said that he was chosen as candidate for NARC because “*he was in the right place at the right time*” and especially because he was sponsored by the Luo boss, Raila Odinga. Omondi was elected MP after having prepared and delivered a classic campaign for the constituency. He supported the tenants and Project opponents; he multiplied promises on employment, housing, public services etc. Lastly, he never failed to remind the electorate of his tribal background, asking the Kikuyu in particular, to vote for him. Omondi won the election, specifically in his capacity as an opposition candidate, since Eastlands’ residents have traditionally always voted against KANU. Nevertheless, once elected, Omondi should have worked to lead the country towards democracy. However, for the inhabitants of Mathare 4A, nothing has changed. According to residents, the new MP does not own a Project house but he had houses allocated to some of his clients. He does not take part in any local economic or political project. Omondi used the Mathare 4A conflict for his electoral campaign but later lost interest. The support of protesters and the repeating of promises are strategies that allow politicians to garner the most votes possible during elections.

Public projects in Nairobi are therefore based on strategies of enrichment for the benefit of politicians and favour a network of patronage. In fact the denunciation of corruption, so frequent in the local political domain, particularly concerns the access to land.⁵⁰ In this context, we can say that it is logical that the project in Mathare 4A failed and that its objectives were diverted. The running of the programme is symptomatic of the weaknesses of the institutional landscape, attached to laws and practices that prevent the implementation of truly public projects/policies. Very little action has been taken to change the ‘urban politics = personal enrichment’ equation.

In this way, official interventions around the Mathare 4A Project and more generally around the housing problem in Nairobi are mere promises. Thus stated William C. Morogo, Minister for Public Works during the World Habitat Day:

Many urban renovation projects have been taken over by the community, often with the contribution of development partners (...). We are currently elaborating a new national development strategy, which aims at ensuring economic growth, reducing poverty and diminishing the proliferation of slums.⁵¹

50 In 1997, the municipality spent Ksh 50 million in the purchase of a plot.

51 *Daily Nation*, 1 October, 2001 and *The People*, 3 October, 2001.

Since the theme of that habitat day was 'Cities Without Slums', David Kikaya, Kenya's Permanent Representative to United Nations Habitat, reminded those present that 65 per cent of the population of Nairobi live in informal settlements which cover about 5 per cent of the total surface of Nairobi. D. Kikaya also announced that the government was going to collaborate with Habitat and prepare a programme aimed at improving living conditions in slums by offering public services and better housing. *"We know that is a complex and very expensive project and we hope that other donors will help us in our objective to make Nairobi a city without slums"*.⁵² The urban renovation programmes in Kenya strive to manipulate the international donors' language so as not to commit national resources in the development of these projects, and in so doing always calls on international aid.

In the same manner, the Attorney General, Amos Wako, promised a new law in 2001, the Landlord and Tenant Draft Bill, which would guarantee owners reasonable revenues while protecting tenants against exploitation. The laws on rent have not been revised since 1965. Since 2003, the government has been working on a National Land Policy⁵³ (NLP), which should regulate the access to, and the use of land in the country.

Lastly, the current urban governance highlights the preponderant part played by the private sector as opposed to the public sector in the definition of public projects/policies. Neither the City Council, nor the National Housing Corporation or even the Commonwealth Development Corporation, has a construction programme. Since public institutions do not invest in urban projects, they leave the older estates to deteriorate. Furthermore, the field is open to launch new joint ventures managed by foreign donors. This disengagement by public authorities in urban governance underscores the lack of political will to elaborate housing policies that would benefit poor city dwellers and proves once again that the public agenda is essentially guided by individual interests.

CONCLUSION

The movement against the Mathare 4A Slum Upgrading Project does not question politics or constitute a political force. This is due to different factors: the specificity of the player (especially the ordinary slum people) involved in the project and the individualistic interests of the implicit leaders (owners of structures who have been ruined, are unemployed and are searching for revenues); the indifference of elected leaders, notably MP W. Omondi who since January 2003 has taken no action to try and solve the crisis.

52 During the United Nations Habitat II Conference in 1997, the Mathare 4A Slum Upgrading Project was declared the 'Best Practice' undertaken in Kenya to improve the living conditions of the population.

53 See comments on this topic published by the *Kenya Land Alliance, 2003 Annual Report*, in 2004. Currently, there is a conflict that opposes the government and donors on the funds meant to finance the National Land Policy formulation; On this see G. Mathenge, 'Kenya: Land reform programme under threat', *The East African* (Kenya), 6 June, 2005.

Fundamentally, the mobilisation was aimed at guaranteeing the economic and political survival of some inhabitants and of politicians. The latter are making efforts to maintain their seizure of public land still available in Eastlands and in other modest estates of Nairobi in order to make money out of land plots and temporary occupation licenses in return for votes and to encourage personal enrichment.

In the Mathare 4A dispute, land is the main economic and political resource, it symbolises the spoils of war that politicians are fighting for. The permanent struggle for the occupation of land opposes squatters, tenants and ordinary people against owners of land and of structures; the latter gain profits from rent and are closely linked to the political class. In Nairobi there exists a class of land speculators supported by the State who structure the city space depending on gains from rent. Patronage is therefore at the heart of the production and structuring of the urban space. This system is the extreme opposite of a public policy that aims to reduce misery and anarchy.

Land policies serve, above everything, the electoral interests of political candidates, but that does not mean that they contribute in resolving conflicts or in finding solutions to public policies/projects that fail. Despite that, the public project in Mathare 4A cannot be considered a total failure since by leaving tenants in a situation of housing shortage and by allowing the grabbing of new houses by people for whom the project was not meant, it has contributed in restructuring a part of the slum. This is confirmation that land grabbing, speculation and selective politics constitute the structural axis of the patronage–wealth model.

This restructuring has social, economic and political implications. The small middle class and the ordinary peoples' struggle was focused on the conservation of living space. The struggle was also a confirmation of a social group belonging to the city, a means of building an urban identity. The ordinary slum people are fighting not only because there is nowhere else to go but also because they are demanding that they are accepted as belonging to the slum. Their survival is therefore essentially tied to their dwelling place. It is in this type of conflict that a Mathare identity, and a 'slum identity', was born, the result of the confrontation of projects/policies imposed from above and against the interests of the inhabitants. Social belonging at a neighbourhood level plays a dominant role at the expense of ethnic and religious identities.

Despite the Mathare 4A project being implemented by the Catholic Church, the religious angle was not dominant. The Church did not succeed in converting the people or in countering the influence or even the existence of sects. Furthermore, the latter did proselytize but limited themselves—sometimes violently—to demanding access to land. The clash of classes, if it took place, was managed very finely by the small middle class composed of people who had come to occupy new houses and by the owners of structures.

What interests the latter is to keep the prestige and revenues earned from renting their properties. The confrontation only led to the loss of a clientele in search of wealth, and even electoral votes.

Lastly, the Mathare 4A Slum Upgrading Project does not appear to be a public project that tries to form a compromise between diverging interests. There is no real mediation between the opposing groups, and there is no negotiation either since, in the end, the project has been paralysed. This public project would rather be regulatory at a social level and corresponds to an elitist model.⁵⁴ It is characterised by the distortion of information that is given from above to below, in a society that wants to uphold divisions and by the distance between those who have (political and economic) power and those who do not have it. The objective of this type of regulatory and elitist public policy is to maintain the *status quo*.

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Management of garbage in Nairobi

Perspectives of restructuring public action¹

Mathieu Mérino²

Nairobi's basic public services, particularly the management of garbage, have been a recurring concern of the public authorities since the foundation of the city in 1899. Due to the importance of these services for the city's health, they benefited from major investments by the colonial authorities from the beginning of the 20th century.³ By 1910, the town authorities were using enough staff to ensure the regular cleaning and maintenance of public areas (especially the streets) and the collection and disposal of garbage. Thenceforth waste management worked relatively well until the mid-1970s, despite sporadic crises and changes in the local government system following independence in 1963.

The challenges that towns face today in terms of managing garbage are complex. They are closely linked to the rapid growth of urbanisation in Kenya since the 1960s. Even if Kenya may be described as one of the less urbanised countries in the sub-Saharan Continent.⁴

[It] passed without a planned transition from a nearly rural society to a society where the urban factor, though not to be statistically dominant, reveals itself sufficient to modify the economic, social and political balance, which has prevailed up to today.⁵ The proportion of Kenyans living in towns rose from 5 per cent in the 1950s to 34.8 per cent in 2000.⁶ Nairobi, which had a population of 325,000 inhabitants at Independence, has become a gigantic city with a population of more than 3 million residents,⁷ and this figure is increasing at a rate of about 4.8 per cent per year. The Kenyan capital comprises one-third of the national urban population.⁸

1 This article is partly based on fieldwork done between April 2000 and July 2003.

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3 Particularly due to the epidemics that affected the town regularly (cholera and pest diseases).

4 In Africa, in 2000, towns and cities comprised an average of 37 per cent of the population.

5 Bourmaud, D., *Histoire politique du Kenya: État et pouvoir local*, Paris, Karthala, 1988, p. 260.

6 Mitullah, W. 'The case of Nairobi, Kenya', *Urban Slums Reports*, 2002, p. 2. This official figure should nevertheless be considered relative due to the fact that several studies agree with the fact that the urban population was overestimated by the 1999 census due to counting of the rural population living around the towns. The urban percentage in Kenya would therefore be best established around 22–23 per cent: Bocquier, P., 'Les impacts sociaux de la crise à Nairobi: l'ère Moi a-t-elle eu un impact significatif?', *Politique Africaine*, No. 90, Juin 2003, p. 82.

7 Despite regular censuses in Kenya, the data on the capital are not very precise. During the last census in 1999, its population was coming to about 2,143,000 inhabitants. But the entire team of researchers agrees on the fact that the official statistics underestimated the population of the city. Also, the majority of these researchers estimate the population in Nairobi to be 3 million inhabitants in 2004.

8 Bocquier, P., *op.cit.*, p. 93. Note that the official figure is 45 per cent (Government of Kenya, 2001).

This increased growth has profoundly modified the urban landscape for the last half century. Today, local authorities in Nairobi seem overwhelmed in regard to their capacity to manage the various urban services. The City no longer seems to be in a position to provide infrastructure and basic services to its residents. This is according to the picture painted by the water supply, sanitation networks and garbage collectors. The problem of uncollected domestic garbage has become, for the last 30 years, a characteristic feature of the modern urban landscape and it is difficult to avoid it when we observe the way Nairobi people live. The capital is no longer the 'Green City in the Sun' as it was once portrayed. In the 1980s, a severe crisis was manifest in the garbage services at all levels of the city, as in most public services.

To respond to this continuing crisis in the management of garbage, the residents stopped waiting for the authorities to act. Extremely diversified private actions took a dominant place in the practical and daily management of waste in the city. Public authorities seem to have withdrawn from this process, and in fact have been incapable of handling the situation for the last three decades. The Municipal Cleansing Department and the authorities that are responsible (the Nairobi City Council–NCC) now give an unclear picture. There is intensified pressure to seek the total privatisation of domestic garbage collection. Moreover, practical garbage management is becoming more and more complex: when one takes into account the ever growing number and variety of players, the line between the public and the private sector becomes blurred to the point that regulating both seems problematic.

While restructuring public action on the issue of garbage management would end a unitary representation, does this mean that one would now have to adapt to a new representation? This representation would be splintered from a completely heterogeneous public action, and be lacking in a regulatory mechanism.

The inability of the public authorities to arrest the deteriorating situation in garbage management has led to a very difficult predicament, as it gives the impression of a complete abandonment of this public problem by the municipality. The frequent calls by the public to privatise garbage collection are being incorporated by the authorities in future plans.

DETERIORATION OF THE MUNICIPAL MANAGEMENT OF GARBAGE IN THE LAST 30 YEARS: CLEAR INACTION OF PUBLIC AUTHORITIES

The dynamics of urbanisation and the financial difficulties facing the municipality have progressively put the machineries of garbage management under great pressure, that is, the system for collection and disposal of garbage, thus creating severe consequences for health and the environment.

Poor collection services

Whereas the town is experiencing a constant volume increase in domestic garbage,⁹ the continuing insufficiency and lack of adaptation of the means have contributed to the steady deterioration in public garbage collection.

A constant increase in the production of garbage

The rapid growth of urbanisation partly explains the increase in the level of garbage produced. This trend equally reveals the social and economic changes that Kenya has undergone since the 1960s. In particular, the increasing complexity of the way of life and of consumption within the urban areas has generated new products with a consequent impact on the current waste produced. Urbanisation is associated with the development of a consumer society that is linked to the search for new commodities (fast foods for example), to the development of transport and the installation of a system of distribution and new forms of marketing (self-service, building of supermarket and hypermarket chains such as Uchumi or Nakumatt). For the year 2002, the daily garbage volume produced in the Kenyan capital was estimated at 1900 tons.¹⁰ In comparison, in 1998, garbage production in Nairobi was equivalent to 1530 tons per day¹¹ as compared to only 586 tonnes in 1978¹² (cf. Table 1).

TABLE 1: GROWTH OF DAILY GARBAGE PRODUCTION IN RELATION TO THE POPULATION GROWTH OF NAIROBI

		1988	1998	2000	2002	2004*	2006*
Total population of Nairobi (thousands)	786	1463	2294	2500	2737	<i>3000</i>	<i>3300</i>
Garbage production (tons/day)	586	1001	1530	1684	1900	<i>2141</i>	<i>2410</i>
Increase in production (percentage)	—	70.8	52.8	10.6	12.8	<i>13.1</i>	<i>12.6</i>

*: Text in italics indicates projections. Source: NAIROBI CITY COUNCIL, 2003.

⁹ Domestic garbage is the main source of garbage in Nairobi. It accounts for 84 per cent of the total production, followed by waste from markets, roads, shops, restaurants and industries. JICA, *The study on solid waste management in Nairobi City in the Republic of Kenya*, Nairobi, JICA, 1998, volume 2, p. 2/7.

¹⁰ Nairobi City Council, *Solid Waste Management in Nairobi*, 2003 (unpublished report).

¹¹ JICA, *op. cit.*, volume 2, p. 2/4.

¹² Mwangi, G.J., *Solid Waste Management in Nairobi Metropolis*, Thesis, Nairobi, Nairobi University, p. 150.

This growth in waste production has strained the collection system, as can be seen with the piles of garbage that have not been collected and which litter the whole town, despite preserving certain areas such as the 'opulent' city centre and some affluent estates¹³. This definitely characterises the town of Nairobi today and shows there are major problems in collecting garbage¹⁴. It can take weeks before being collected. In the poorer estates, the collection is almost never assured. The piles of garbage accumulate along the roads, in open fields, along or in rivers and more generally in any free space that one can find, for example between two houses, thus multiplying illegal dumping sites. Indeed, the situation greatly deteriorated from the mid-1970s, despite the fact that the real state of affairs appeared in published figures only at the beginning of the 1980s.¹⁵ The collection is therefore characterised by a major decline—it went from 92.4 per cent of the garbage produced in 1978 to only 21.5 per cent in 1983. At the beginning of the 1980s, the NCC, the only institution responsible for the removal of garbage, was collecting 10 per cent less garbage per person every year. Without question, 1988 was one of the darkest years for the capital's cleansing department—out of the 366,000 tons produced, only 79,000 was collected, accounting for 21 per cent of the total garbage produced.¹⁶ The arrival of private companies from 1997 greatly improved the situation: in 1998, 25 per cent of the garbage had been collected.¹⁷ Despite the higher volume in garbage production, the collection rate has stabilised to about 21 to 22 per cent (cf. Table 2).

TABLE 2: GROWTH OF THE ANNUAL COLLECTION OF WASTE IN NAIROBI

	1978	1988	1998	2000	2002	2004*
Waste produced (thousands of tons/year)	213	366	558	613	694	781
Waste collected (thousands of tons/year)	197	79	135	141	152	164
Collection rate (waste collected/waste produced %)	92.4	21.5	24.2	23	21.9	21

Source: personal summary.

* Projections

13 Nevertheless, cleanliness remains a recent phenomenon. We can roughly date it to the last half of the mid-1990s.

14 'City under the dumps' is a recurring expression (in any case until 2003) used in the Kenyan media to describe Nairobi since the 1980s (quoted in the: *Daily Nation*, 16/01/1993). This expression is contrary to what used to be the slogan of the city: 'Green City in the Sun.'

15 Several testimonies by residents, found in the Kenyan press, confirm a change from the mid-1970s: "there used to be regular collection organised by the City Hall ... it used to provide even dust bins to all residents..." (Extract from *The East African Standard*, 21/07/1984). The first crises appeared during the 1970s even if they remained localised. At that time, the press reported the first serious problems concerning collection of garbage in certain estates: *Weekly Review*, 30/08/1976, 'The mess in Kenya's Councils'; *Weekly Review*, 22/11/1976, 'Mbogua leaves City Hall with a parting shot'; *Weekly Review*, 14/02/1977, 'Tales of a city'.

16 Figures related to the previous years in the 1990s are extracts from Mwangi, G.J., *op.cit.*, p. 150.

17 JICA, *op.cit.*, volume 2, p. 2/4.

The deteriorating situation of Nairobi is not unique in the country, but generally, other big urban centres are managing the situation better. Even if subjected to periodic crises, they have never attained the intensity or the duration as experienced in Nairobi.¹⁸

Insufficient means

These deficiencies in waste collection can mainly be explained by the insufficiency of means. Before examining them thoroughly, it is necessary first to view them in the light of the general trend of budgetary weakening which affected the city from the 1970s.

The NCC budget for waste management, as is the case for the other urban municipalities, has experienced since the 1970s much uncertainty in its amount and structure, to the detriment of the expenditure allocated to urban services.

This weakening of the financial structure started with a drastic reduction of resources following the 1974 cancellation of the main local tax, the Graduated Personal Tax (GPT) by the central government in the name of fiscal rationalisation.¹⁹ Although a compensatory mechanism is offered through government grants and loans, the municipality lost a major part of its financial autonomy. The proportion of grants increased from 3.5 per cent of the municipal revenue in 1966 to more than 30 per cent in the 1980s.²⁰ However, the central government revealed itself to be a bad debtor: the State is often late when it comes to releasing grants or in the payment of bills for services rendered by the municipality to public institutions (water supply, garbage collection, etc).

The NCC structure of resources is equally bad to the extent that the local authorities experience continual difficulty in collecting their own local taxes. In 1982, out of a potential Ksh 340 million,²¹ only Ksh 220 million was collected²². In 1995, less than half of the taxes due were collected (Ksh 200 million per month out of the potential Ksh 500 million²³). This inability to collect taxes has had a direct impact on the services, particularly on those that require regular investment. Indeed, the financing of urban services remains on a double budget. That of the General Fund, financed by charges for services rendered paid by the residents and meant for financing daily services; and that of the service charge, financed by licences and commercial taxes and supposed

18 Mombasa, the second largest city in the country (600,000 inhabitants according to official figures), has experienced serious garbage collection problems in 2002, with the collection rate falling to 25 per cent of the 110,000 tons produced. City Hall services only collected 23,000. (Beture-Environnement, *Description of Solid Waste Management Current Conditions in Mombasa*, Nairobi, AFD, 2002, p. 6). Nevertheless, the city was faced with specific circumstances: social conflicts between elected officials and municipal employees, but especially a relocation of the municipal dumping site.

19 According to central authorities, the GPT was duplicating the Income Tax, the tax collected by the central administration and having a tax base similar to that of the GPT.

20 Bourmaud, D., *op. cit.*, p. 217.

21 1 € = 94 Ksh (August 2005).

22 Bourmaud, D., *op. cit.*, p. 224.

23 *Daily Nation*, 10/01/1996.

to be kept partly for investment expenses. The shortfall in the General Fund owing to the poor collection of taxes has progressively led to a nibbling away at the funds of the Service Charge to the detriment of capital expenses. This in turn deeply affects all services that need regular investment to maintain infrastructure and the necessary means for their operation (pipes in the case of water supply²⁴ and in sanitation, trucks for collecting refuse, etc). Most of the municipal expenses have been diverted to paying staff expenses, which have been subject to a sharp increase. Whereas salaries represented half of the NCC's expenses in the 1970s, and despite a considerable reduction in the beginning of the 1990s²⁵, they accounted for 80 per cent of the municipal budget in 1995²⁶. As highlighted by Daniel Bourmaud, recruitment in the NCC largely responded, "*not to management rules but to imperatives of solidarity*".²⁷

The economic crisis of the 1990s thus forced the city to resort to borrowing massively. By 1999, the outstanding municipal debt was Ksh 4.5 billion.²⁸ But even so, the indebtedness did not appear to be enough to solve the problem. The interest on the debt was such that it sometimes became difficult to pay salaries. In January 1999 for example, the 18,000 employees of City Hall went on strike for three days to demand the payment of their salaries for November and December 1998. The deduction of their contributions by banking institutions (about Ksh 300 million per month) greatly outweighed the monthly revenues; the council was then unable to pay salaries of about Ksh 130 million per month. This situation is also linked in part to the 'disappearance' of sums of money or their utilisation for uses other than *stricto sensu* urban services. The NCC has been greatly stigmatised for its embezzlement of funds; it was in fact dissolved between 1983 and 1992 due to "*bad management of council funds and poor services to residents*".²⁹

In a context where the municipality is not able to master its resources and their allocation, the provisional budgets and those discounted are characterised by major distortions. The expenses are systematically revised downwards during the year, leading to a final payment of only half of the projected amount. Although in 1992, 68 per cent of the budgeted expenses were realised, only 43 per cent in 1993, or a still poor 51 per cent in 1994,³⁰ were realised.

24 Just as for garbage collection, water supply is a severe problem for the entire city, be it in terms of quantity or in terms of quality. By the 1980s, the city was recurrently faced with shortages, called 'city droughts', in Nairobi.

25 In 1992–1993, staff expenses were reduced from 42 per cent of the budget to 26.6 per cent in 1993–1994. This reduction was not due to the cut in the number of staff but due to the increase in the general budget. However from 1994 to 1995, the trend was again on the rise with a budget equivalent to the previous year's budget, staff expenses rose by 50 per cent, yet again increasing their proportion above 40 per cent. JICA, *op. cit.*, p. 2/47.

26 *Daily Nation*, 27/07/1995.

27 Bourmaud, D., *op. cit.*, p. 179.

28 *Daily Nation*, 07/02/1999. This debt doubled over a period of only 4 years: in 1995, it 'only' represented Ksh 2.5 billion.

29 *Weekly Review*, 11/03/1983.

30 JICA, *op. cit.*, volume 2, p. 2/50.

Concerning garbage collection, these financial problems practically translate into three main insufficiencies: that of personnel, of equipment and of adaptation of this equipment to the realities on the ground. First, the staff is faced with precarious working conditions. Most of the time, there is no protective clothing—no work coats or gloves—or they work with inadequate equipment for the amount of work to be done (less than one bucket or rake per team of workers).

Furthermore, the city is largely deficient in terms of equipment, specifically garbage cans, refuse bins and garbage trucks. The number of garbage cans and bins has continued to reduce since the 1980s. In 1979, there were 129,516 garbage cans and bins in the entire city,³¹ that is, a container for every six residents; in 1998, the ratio was one for every ten residents.³² These insufficiencies, added to the absence of a garbage bag system, force the cleaners to manually collect the garbage from piles on the ground and load them on the trucks. This manual loading of the collection truck often takes between 30 minutes to one hour per collection point, which explains the limited number of rounds done in a day per vehicle in operation.

The city does not have enough trucks. In March 1994, the Mayor of Nairobi, Steve Mwangi, decried this lack of vehicles and stated that “*the city needed 200 more trucks to ensure efficient services to residents.*”³³ Indeed the lack of trucks is a recurrent problem for the Kenyan capital. The Municipal Council, which had a total of 83 vehicles in working condition in 1977, only had 21 in operation in 2003 (cf. Table 3). Whereas the NCC possess 60 vehicles, the low number of vehicles currently in working condition can be explained by the fact that city hall cannot maintain them. Most of the trucks are grounded due to lack of spare parts to repair them,³⁴ lack of structures and mechanics³⁵ or simply a shortage of petrol, as was the case in October 1997.³⁶ The case of Nairobi is not isolated: in Mombasa, too, garbage trucks break down one after the other without being repaired due to lack of finances and adapted technical support.³⁷

31 Mwangi, G.J., *op. cit.*, p. 201.

32 In 1998, there were 288,700 municipal garbage cans and bins in Nairobi. JICA, *op.cit.*, volume 2, p. 2/51. Compare this with Paris, which has about 460,000 garbage cans and bins, which translates to one container for four residents.

33 *East African Standard*, 03/03/1994.

34 In 1997, 20 per cent of the grounded trucks were due to accidents but 80 per cent were due to mechanical problems. JICA, *op. cit.*, volume 4, p. E-41.

35 The municipal mechanical maintenance centre (City Workshop) is situated on Bondo Road in the Industrial Area. It is divided into three sections: parking; petrol station and repairs and maintenance. However, the former is completely saturated. In July 1990, there were only five workstations, of which three were operational for a fleet of more than 150 vehicles waiting for repair. The situation has since worsened because during my visit in December 2001, there were more than 200 vehicles waiting. Furthermore it is not rare to find personal vehicles of elected municipal officers or individuals being repaired, thus ensuring a parallel job for mechanics.

36 *Daily Nation*, 23/10/1997.

37 Out of a total of 32 vehicles, only seven were operational in 2002. Beture-Environnement, *op. cit.*, p. 4.

Lastly, the system of garbage collection is incompatible with the equipment. The garbage trucks are not adapted to the poor state of the city's roads. Certain areas are completely inaccessible, especially the slums where most of the urban population lives today.³⁸ In fact, the habitat there is very dense and close knit, with narrow non-tarmac streets that are impassable in the rainy season.

TABLE 3: NUMBER OF OPERATIONAL MUNICIPAL GARBAGE TRUCKS

1977	1978	1983	1988	1998	2003
83	66	44	17	13	21

Source: personal synthesis.

Though it is clearly visible, the poor state of the cleansing department is but a part of the garbage problem in Nairobi. The questions of the garbage dumping site and of the elimination of garbage are equally delicate.

The dumping site problem

The municipality only has one official garbage-dumping site, Dandora, which has been saturated for a very long time. As a result, illegal dumping sites have sprung up all over the city.

One saturated site: the Dandora dumping site

In the case of Nairobi, the problem of the dumping site is complex since the high urban growth rate and determined land speculation severely limit the availability of space. These dynamics also advocate for the distant location of the site, which automatically slows down the efficiency of the collection by increasing the transport times. The city has always found itself facing a double question: location of the sites and the number of sites.

Historically, the local authorities have opted for several simultaneous dumping sites, generally former quarries farthest from residential areas. Therefore, for a majority of city officials since 1964, the management of garbage, according to K.M., a member of the Environment Department of the City Council, consists in “*taking the garbage far away from clean areas and places where residents can see it*”.³⁹ The first two dumping sites were at the time located in the northeast of the town, at Kariobangi North and Mathare North.⁴⁰ However, the high pressure of population in these areas did not allow for any

38 Whereas in the beginning of the 1970s one-third of the residents of Nairobi lived in informal settlements, estimates at the end of the 1990s showed that 50 to 60 per cent of the population live in such areas. Lamba D. and Lee-Smith, D., *Good Governance and Urban Development in Nairobi*, Nairobi, Mazingira Institute, 1998, p. 18; *Daily Nation*, 01/2001, “55 per cent live in slums according to AMREF.”

39 Interview with K.M., on 17/05/2000, in Nairobi.

40 This location is in line with the colonial policy. The dumping site was then situated in Kariobangi.

expansion and multiplied health problems. The authorities then chose to create other dumping sites but had to close them for the same reason.⁴¹ Between 1968 and 1986, the city had seven different dumping sites: Kariobangi North, Mathare North, Industrial Area, Kibera (near Otiende Estate), Githurai (on Thika Road), Dandora Area I and Dandora Area VI.

By 1980s, there were four dumping sites but urban expansion and lack of space changed the situation, leading to a preference for one site. At this time, location towards the northeast was again preferred, but on private land. The Industrial Area and Kibera dumping sites were no longer viable due to population pressure. An experiment was therefore undertaken in 1980 in Githurai, a site 14 km from the city centre which seemed relatively protected from urban growth. But the authorities were forced to cut short the experiment after only one year. The recurrence of land pressure led the city hall to create a new site in 1986, 8.5 km northeast of the city centre in Dandora Area VI, on land initially owned by the government. This site became, after the closure of Dandora I in 1986 and Kibera in 1989, the only official city dumping site. Currently, the Dandora dumping site receives more than 1.3 million m³ of garbage⁴² on 30 hectares, which equals about 5 tons per m² and 300 to 400 supplementary tons are dumped each day. This heavy load can be explained in two ways: the absence of techniques to eliminate garbage and the poor management of the dumping site. First and foremost, the city does not have any modern elimination techniques: neither incineration nor a composting facility, or waste methanisation. The garbage is simply dumped. The only equipment at the Dandora site is a bulldozer, which is used to heap the garbage and to push it as far away as possible from housing estates. Today, the *only* municipal actions in Dandora are limited to the council bulldozer pushing, once a week, the huge heap of garbage, which accumulates at the edge of the quarry. The garbage is sometimes set on fire, releasing toxic gases into the already polluted Nairobi air. In the rainy season, it is common to see trucks that cannot access the site dump their loads directly in the neighbouring residential areas.⁴³ Also, the dumping site has become a place of dense economic activities in which different players participate (scavengers, municipal employees, employees of private collection organisations, etc) who are tolerated by the authorities. Today, about 55 collection organisations

41 The areas of the two former dumping sites in Kariobangi North and Mathare North quickly became poor and dense residential areas.

42 JICA, *op. cit.*, volume 2, p. 2/29.

43 *Daily Nation*, 17/05/1999.

regularly dump waste in Dandora.⁴⁴ The trucks unload the garbage in an apparently disorganised manner as close to the entrance as possible. This is done to facilitate the sorting of garbage by scavengers, especially street boys, with whom the drivers often have a tacit agreement.

The situation has become critical since the public authorities have let urban growth, which is explosive in the east of the city, catch up with this site that used to be outside town. The dumping site today notably contrasts with the thousands of small neighbouring houses. In fact, the Dandora Housing Estate, a group of high-density and informal dwellings and numerous schools is situated next to the dumping site.⁴⁵ Considerable piles of rubbish spill over into the road and the houses.

The proliferation of informal dumping sites

The failure in collection and the saturation of Dandora force the city dwellers and private entrepreneurs in garbage to use many empty fields as alternative dumping sites, such as along the Mombasa Road, at the edge of Nairobi National Park, or near quarries situated in less fortunate estates such as Kayole and Umoja. Equally, the garbage is dumped in the small illegal dumping sites that one can find almost everywhere in the city. In fact, every free field is a dumping site owing to the gravity of the problem. However, the development of these informal dumping sites is curtailed by the lack of space in the capital city. That is why it is common to see piles of garbage dumped directly on the pavements or along the streets, in the gutters or in the municipal parks. For example in Kangemi, a populous estate in the western part of the city, the cemetery was used as a dumping site in the 1990s.

To supplement Dandora, a site in Ruai has been earmarked as an alternative dumping site. But this site has also experienced the same constraints as the previous sites. Moreover, it is disadvantaged by its lengthy distance (22 km to the north-east from the city centre) and its location on private land. Such a site can only be viable if it is associated with a development policy of intermediate dumping sites throughout the whole city, which means finding other new available land. However, land pressure is currently high in Nairobi; natural reserves, parks, forests and green spaces, are regularly threatened with being de-gazetted as is the case with City Park, Karura Forest and Nairobi National Park.

Inequality of residents concerning sanitary consequences

Health and environmental consequences are unquestionably a global concern, and these consequences most severely affect the poor residents of the capital.

⁴⁴ The NCC and the private companies represent 70 per cent of the traffic; the remaining 30 per cent comes from micro-entrepreneurs, industries, community organisations and non-governmental organisations. *The EastAfrican*, 11–17/12/2000, 'The Treasure Buried in Nairobi's Dumpsites'.

⁴⁵ According to JICA, 250,000 people live next to the dumping site. JICA, *op. cit.*, volume 4, p. H-5.

Health and environmental consequences of poor management of the municipal cleansing department

The multiple practices linked to the problems related to the lack of garbage collection and dumping, give an overview of the alarming health and environmental situation. This is because official and non-official dumping sites receive garbage of all kinds. In Dandora, the bins are dumped without any intermediate treatment. Thus you can find domestic garbage (mainly of a vegetable nature) as well as industrial, hospital⁴⁶ or construction waste. Lack of sorting of the garbage and of official monitoring by the health authorities has led to the accumulation of garbage which is noxious and of products that are harmful, such as solvents or chemical products, in sites close to residential areas and in the streets.

The problems created by the decomposition and combustion of garbage are very delicate. First, the physical reduction by fire of the piles of garbage is a common practice in Nairobi and this is the main source of air pollution. Second, more often the garbage from kiosks, markets or butcheries is mixed with dirty water, which is the vector of several diseases.⁴⁷ These piles of garbage left in the open air often attract all sorts of domestic animals (goats, cows, chicken and pigs) and rats and other rodents that feed on them. Beyond the direct dangers to animals such as poisoning, the livestock can rapidly be infected by pathogens, thus multiplying the disease vectors for consumers. Again, due to the scarcity of land, several small plots used for market gardening are cultivated amid waste, if they are not flooded by it. For many residents, these small urban gardens are necessary for survival. This explains their proximity to the piles of garbage despite the risks involved.

Health degradation essentially borne by the poor residents

The proliferation of informal dumping sites almost everywhere in the city and the burning of garbage by almost every social class, have adverse effects on health. However, not all residents are affected in the same way by the failure of public garbage management. The physical absence of municipal services in garbage collection is characterised by a major inequality between different residential areas. When one looks at the geographical location of public collection, one realizes that it focuses exclusively on the middle class estates. In these areas, most of the collection is done by the municipal services even if the frequency of collection is somewhat random; some residents have even contracted private companies. In these estates, the situation is

46 It is common, in the dumping site to find used syringes and dressing gauze, human parts from surgical operations and indeed whole bodies (personal observation).

47 The sides of the City Market in the town centre have become dumpsites for different neighbouring traders, especially florists, market gardeners, butchers and restaurants. After staying without being collected for several weeks, the garbage gives off a very strong smell and attracts many animals. This in itself causes a serious hygienic problem in the city centre (*Kenya Times*, 08/04/1988, 'Food or garbage?' and *Daily Nation*, 16/10/1999).

manageable even if the piles of non-collected waste remain ever present. In the affluent estates, collection of garbage is entirely done by private companies in an efficient manner, even if piles of garbage still remain abandoned. On the contrary, in the poorer formal or informal estates, which do not have financial means to contract medium or large-scale private companies, the situation is worrying because public collection is almost non-existent. While, historically, the formal estates were serviced by municipal collection,⁴⁸ today all poorer formal or informal estates⁴⁹ are more or less abandoned. The NCC for several months never went near certain slums like Kibera or Mathare, nor even in some formal lower-class estates such as Umoja, Kariobangi North or Huruma. Some estates have not even seen a garbage truck for more than five years, especially among the estates found in Eastlands.⁵⁰ Generally, these areas only receive NCC collection services when the garbage is a serious public health hazard or during sporadic cleaning campaigns in the city.

In Kibera, the routine presence of garbage reveals the dramatic nature of the situation. The narrow passages are filled with physical and organic waste matter that is often mixed with used dirty water or with mud. Since the 1980s, the service has degraded to a point of being almost non-existent today. Some residents have been forced to dispose of their garbage on the railway line, which crosses the slum in order to force the authorities to come and make the collection. M.A.O., a resident of Makina in Kibera, attests that:

(...) There were only 16 houses thirty years ago in Makina. Today the estate houses several thousands of persons. Each resident has got his or her piece of land and throws his or her garbage in the alley waiting for the rains to carry it out of the slum. Even better still, we meet in an unoccupied field and we dispose of our garbage there. But it is very exceptional and the lack of space has started to be felt here.⁵¹

The effects are significant by virtue of the fact that the lower-class estates are not provided with basic services, such as sanitation or supply of clean water. The situation of rivers well illustrates the serious and direct threat that the garbage has on the lives of the poor residents, especially in the slums.

48 During the colonial era, Mathare, the only low-class settlement to be then integrated into the town used to benefit from the same infrastructure as the rest of the town.

49 Within the low class estates, we differentiate formal planned settlements from 'spontaneous settlements.' The former cover a diverse reality since the inhabitants may be living there illegally (the occupants are not the owners of the occupied land) or simply that they are not authorised to live there (the occupants are not legally authorised to construct a house on this land). In general, the term slum means those areas of spontaneous settlement that are very densely populated and most of the times are deprived of basic infrastructure.

50 *East African Standard*, 15/11/1994, 'Streets of shame.'

51 Interview with M.A.O., 11/05/2000, Nairobi.

First, lack of garbage collection leads to a serious pollution of the rivers that cut across the town.⁵² Some sections of the rivers have reached a pollution level 200 times higher than the World Health Organisation standards,⁵³ especially the sections that pass through slums, industrial or agricultural areas. However, rivers are widely used in day-to-day life by the residents of estates without infrastructure, for water supply and especially as a toilet facility, for washing, cooking, and distilling alcohol and even for drinking.⁵⁴ The rivers are also used for economic activities, especially by the poor city dwellers for watering livestock, irrigation, washing cars or for construction purposes.

Second, the deterioration of the profile of rivers encourages flooding of estates that are near these rivers. This phenomenon has a tendency of repeating itself during rainy seasons.⁵⁵ The high land pressure that characterises Nairobi has pushed most of the informal settlements towards the riverbanks, thus making these occupied areas prone to floods. The main informal settlements of Nairobi, Mathare, Korogocho and Kibera are situated in flooding areas along rivers.⁵⁶ The construction of dwellings and other practices (such as small-scale farming on the river banks) have far-reaching effects on the profile of rivers because they contribute to soil erosion and sand silting. This reduces their capacity to hold back strong rains given that the Nairobi soil (black cotton) has a very weak absorption capacity. In this context, the blocking of rivers with garbage, especially at the bridges, increases the risk of the flooding of informal settlements, as was the case in 1978, 1981, 1986, 1998 and 2000. The most affected were the residents of the slums around the Nairobi River. During the El Nino rains in 1998, the majority of the residents of the Mathare Valley, Kibera, Karura, Ruaraka, Gikomba and Pumwani lost their houses.⁵⁷ Faced with the prolonged dilapidation of municipal collection, the residents, and especially those from low-class estates, decided to become increasingly involved with the daily management of garbage, giving rise to the phenomenon of the co-production of public action in this domain.

Nevertheless, a purely dichotomous view of the public–private relationships does not allow a consideration of the underlying restructuring of public

52 The three main rivers in Nairobi are, from North to South, Mathare River, Nairobi River and Motoine–Ngong River.

53 While non-polluted water has a maximum BOD (Biochemical Oxygen Demand) of 2 mg/litre, concentrations in rivers in Nairobi vary from 40 to 4400 mg/litre. *Sunday Nation*, 28/01/2001, 'Rivers choke in waste'.

54 *East African Standard*, 20/04/2001.

55 The short rains fall from November to December and the long rains from April to June.

56 Refer to the map: 'Rivers and location of informal settlements in Nairobi.'

57 It is worth noting that in the slums, the majority of houses are not 'permanent.' Therefore, only 16 per cent of the houses are made of permanent materials in these estates. D. Lamba, *Nairobi's Environment*, Nairobi, Mazingira Institute, 1994, p. 21.

action. Indeed, despite the notion of crisis often being used to stigmatise these dynamics, an analysis shows that the competition brought about by private participation in the powers of public authorities, and the apparent move towards removing the public authorities from garbage management does not in any way indicate the end. Rather, it is a renewing of regulatory capacities of the public authorities in view of the new stakes before them.

CO-PRODUCTION OF PUBLIC ACTION IN GARBAGE MANAGEMENT

The phenomenon of co-production, the active alliance of public and private sectors, asks fundamental questions about the monopoly of municipal authorities in providing public services. Increasingly, the public authorities are being bypassed by the public and the private sectors, who are together able to get things done.

The idea of co-production, the active mixture of public and private players, according to varying configurations, is being widely used by researchers to describe the process of creating public policies⁵⁸ and particularly that of urban policies. It first seems to be more appropriate with the realities of urban centres where private initiatives are on the increase. It therefore clearly demarcates itself from the historical analysis of public policies where the public authorities' actions are considered as the epicentre for public affairs management. 'Co-production of public action' seems to be offering a chance to tackle, in part, the difficult management of problems termed as 'horizontal' whose successful management needs an investment from a large number of players (as is the case with the majority of problems affecting the environment, which also concerns garbage management). The importance accorded by researchers to the 'co-production of public action' is attested to by the blossoming of the vocabulary which aims at defining it: co-regulation, co-steering, co-operative management or public-private partnership, but also through an apparent preference for 'community-based projects' and 'community participation', as highlighted by Daniel Compagnon.⁵⁹

In the case of garbage management in Nairobi, this co-production is visible in all areas of the city. Thus, a true garbage sector has been constituted with the visible absence of the local public authorities.

Varied participation in daily garbage management

In response to the failure of the local authorities, several players became involved in a formal or informal manner in the management of garbage, particularly at the end of the 1980s. This participation is characterised by an overabundance of practices and meanings.

58 On this subject specifically, refer to Duran, P., *Penser l'action publique*, Paris, LGDJ, 1999 and Gaudin J.P., *L'action publique. Sociologie et politique*, Paris, Presses de Sciences Po-Dalloz, 2004.

59 Compagnon, D., 'Impératifs et contraintes de la gestion communautaire', Compagnon, D. et Constantin, F., *Administrer l'environnement en Afrique*, Paris, IFRA-Karthala, 2000, p. 6.

Variety of players and practices

The public authorities are facing competition in matters pertaining to their capability in garbage management in the city from several other players.

We are therefore immediately witnessing a greater involvement of the public. The city residents have developed a broad spectrum of informal actions relative to garbage management, often re-transcribed by the expression 'public modes of garbage management.' These initiatives, most of them individual, are incarnated in a diverse manner at domestic level: garbage disposal in the streets or roads, in unoccupied land or in rivers, burned garbage sometimes disposed or recycled. The objective is to evacuate the garbage out of the houses. These individual modes of garbage management have been recently complemented by community initiatives, thus multiplying the involved social actors: Individuals, but also Community Based Organisations (CBOs)⁶⁰ and Non-Governmental Organisations (NGOs).⁶¹ In 1998 in Nairobi, 15 groups representing about 10,300 people were regularly involved in garbage management, most of whom were located in low-income areas. In 2001, more than 40 groups were registered in only one part of the capital.⁶² These were groups whose initial activities were not related to garbage. Generally, they had put a lot of effort in garbage collection and in cleaning up estates for health reasons but also for the potential monetary gains offered by the corollary activities related to garbage collection (recycling or composting which could generate revenue). Initiatives in this domain are very diverse where the majority of groups limit themselves to garbage collection and partial recycling of garbage. Other groups have gone into the evacuation of garbage in the manner of the Eastleigh Business Community Policing Office. This Somali community group from Eastleigh estate initially specialised in security matters, but later started collecting garbage and disposing of it by hiring a truck from the City Hall (at a price of Ksh 1500 per day) for dumping garbage at the Dandora site.

As a result of the potential monetary gains brought about by garbage, commercial activities also developed formally and informally in this sector. Once again these players reflect the modes of garbage management: they are varied. They are comprised of private garbage collection companies⁶³, such as Kenya Refuse Handlers or Bins, as well as several recycling firms⁶⁴ or yet still

60 These CBOs regroup estate associations, womens' organisations, cooperatives and economic interest groups.

61 By 2000, more than 80 NGOs in the city were offering a wide range of services to residents' garbage collection.

62 International Labour Office, *Employment Creation through Privatized Waste Collection*, Nairobi, ILO, 2001, p. 37.

63 The last study done in 1998 revealed nearly 71 official private companies in garbage collection in Nairobi, who ensured more than half of the daily garbage collection. JICA, *op. cit.*, volume 5, pp. 4/4-4/8.

64 Almost all possibilities of waste sorting, reusing, improving and recycling at industrial level are present in Nairobi. We therefore find a real waste industry, which is expanding. Examples of these expanding companies are *Steel Rolling* for the metal, *Panafrican Paper* for paper, *Premium Drums* for plastics, *Central Glass Industries* for glass, etc.

multiple small formal and informal garbage collection entrepreneurs. As much as the companies are specialised in the collection and transport of garbage, the small entrepreneurs are concentrating more in garbage collection, in the sorting out of the garbage (highly developed in Nairobi) for recycling or for re-sale for purposes of recycling and less of a priority, for composting.

A variety of forms

Participation and involvement are not an obvious action despite the gravity of the crisis. As highlighted by François Constantin, environmental problems do not appear “*as a problem neither everywhere nor for everyone, including the most affected*”⁶⁵. Therefore, the mere existence of a problem is not enough to trigger involvement: public involvement is brought about by specific individual reasons that are often multiple. In Nairobi, although the garbage problem started deteriorating in the middle of the 1970s, public involvement only developed on a large scale in the mid-1990s.

This lack of spontaneity of participation is well illustrated by the Dar es Salaam situation. In this main city of Tanzania, although the garbage problem was worse than in Nairobi (between 2 and 4 per cent of the garbage produced was collected at the beginning of the 1990s⁶⁶), involvement of the population in matters of garbage collection remains less developed. In fact, the residents’ initiatives remain dependent on their belonging to CBOs that are specifically working in the domain of garbage. The CBOs on the other part are often supported by NGOs and international organisations. Such CBOs are few.

Motivations that further this contribution are, in the case of Nairobi, very diverse and varied. It depends upon their place of residence, their level of life but also, more importantly, the way they perceive the problem and their involvement in garbage collection. It would be impossible to recapitulate in a few lines all of the complexities that lead to involvement. We noted two essential points concerning residents’ motivations to participate. First, one of the remarkable differences between Nairobi and Dar es Salaam is the different nature of perception of income-generation from garbage; several people in Nairobi involved in garbage collection sustain themselves partly with the hope of making a profit that is often modest. Due to high unemployment in urban areas and poverty, an informal sector for garbage collection has developed. Individuals looking for employment and/or extra revenue led to the creation of different professions. These include scavengers, sorters, collectors, merchants, recyclers, etc. Then, the appreciation of the role of public authorities is slightly different: in Dar es Salaam, the residents believe that problems concerning garbage are for the authorities. In Nairobi, residents

65 Constantin, F., ‘Ressources naturelles, participation populaire et action publique’, Compagnon and Constantin, op. cit. p. 54.

66 Majani, B. ‘The institutional economics of solid waste management in Tanzania’, *Spring Research Series*, n° 28, 2000, p. 38.

essentially believe the same; such a vision is coupled with the extended idea that the authorities will do nothing, thus encouraging private involvement.

As multi-faceted as the involvement was, two major trends appear to have played a part in initiating an informal privatisation process for garbage management.

Outline of informal privatisation of garbage management

An unofficial garbage economy was gradually constituted and a non-public map was outlined for tackling the garbage problem.

A garbage economy

A garbage sector was constituted where local authorities were mainly absent. First, an increasing level of activity and informal initiatives in matters pertaining to garbage were developed. Thus in Nairobi, close to 10 per cent of the population was closely or distantly involved in the informal garbage economy either by garbage collection or garbage transportation, evacuation, sale, recycling, or composting⁶⁷. Actually, if there were an efficient public garbage collection system in Nairobi, a major part of the informal activity of the city would disappear. In fact the activities linked to garbage are sources of income, especially for the youth in the urban areas, street children, scavengers⁶⁸ or others in the informal sector (*jua kali*) who recycle garbage. Sifting through piles of garbage is an alternative way of surviving, a way of 'making ends meet.' Thus it is common to meet men in Dandora who are employed in both the formal and informal sectors, seeking extra income to bolster their insufficient salaries. In January 2002 for instance, in a study of the Dandora dumping site, I was able to meet K.B.,⁶⁹ an employee of NCC, who explained that his salary of Ksh 4000 per month was not enough to take care of his family needs. He had a family of five children. He was working in the cleansing department of the City Hall. He therefore had contacts in the dumping site and he used to come with his first-born son (aged 13) to collect plastic or metal in order to re-sell them to a merchant. Through this sort of work he could earn an extra Ksh 500 per week on average.

This informal business has spread to all areas of the city. Whereas several informal activities are centred on specific estates, those pertaining to garbage are present throughout the whole town. From Langata to Mathare and from Muthaiga to Embakasi, people work at collection, recycling etc. from the multiple piles of garbage that exist in the capital and which form the basis for these informal garbage businesses. Certain estates reveal a complete

67 Refer to the publications of: Adam-Peters, K., *Community-Based Waste Management for Environmental Management and Income Generation in Low-Income Areas: A case Study of Nairobi, Kenya*, North York, York University, 1996. A. Karanja, 'Informal privatisation of garbage collection and disposal services in Nairobi: socio-economic contributions', *CWG Workshop*, N° 15, March 2003.

68 These are men, generally young, who ensure informal garbage collection in the whole town.

69 Interview with K.B., on the 22/01/2002, Nairobi.

integration of activities: from collection to disposal, starting with the dumping site and the various value added improvements. In Umoja or Kayole for instance, dumping and sorting points ensure mediation between the informal collection sector and the formal sector from the recycling companies.

An outline of non-public garbage management

The garbage crisis is seen in all parts of the city. Residents in different areas develop their own way of dealing with it. While the affluent areas and many of the middle-class estates are systematically turning to big private companies, the range of solutions is more diverse in the informal estates.

In the affluent estates collection is now almost normalised. Private garbage collection companies are paid by the residents, and several companies operate in the same area.

Middle-class estates experience contrasted approaches even if the situation does not seem to be generally worrying. Certain residents use private companies, but generally these areas remain the only ones serviced by the municipal garbage collection.

In the poorer estates, garbage collection is exclusively done on a private basis. The small garbage collection companies (often one or two people, without legal status most of the time) operate on some sections of the estate. Even though the price involved is low,⁷⁰ there are still obstacles for several residents who manage to collect garbage for themselves. The problem of dumping has not been solved. Private entrepreneurs, once they have collected the garbage, sort it out for re-selling to the formal recycling companies, which is beneficial.

But what to do with non-beneficial garbage?⁷¹ Indeed, the majority of the small entrepreneurs, deprived of the use of vehicles, dispose of the garbage where they can.⁷² Garbage collected in Kayole estate by Kayole Refuse Handlers is disposed in the former quarry site that borders Ngong River, which has become an additional dumping site.

In terms of garbage management in Nairobi, an analysis of the three phenomena—the popular modes of management, the increase in garbage business and the emergence of mapping for alternative management of

70 In the Kayole estate for instance, the Kayole Refuse Handlers ensure a regular garbage collection service to the residents once a week at the rate of Ksh 20 to Ksh 50 monthly. In comparison the prices that are charged by the big private companies vary between Ksh 250 and Ksh 800 per month.

71 In Nairobi, according to JICA (1998), close to 26 per cent of the garbage produced every day does not offer any possibility of beneficial or organic matter. Moreover, close to 8 per cent is of no value in matters of energy. Finally, a big proportion of garbage, of whatever value, has not yet been made valuable. For instance, green garbage (plants, leaves etc), that accounts for 50 per cent of the garbage in town is only made valuable to about 15 per cent.

72 A study in the months of March and June 2002 in several estates in Eastlands indicated that out of the 18 informal collection companies, only two had a vehicle for the exercise. Furthermore, the directors of the 14 companies admitted that they were disposing their garbage elsewhere, other than in the municipal dumping site, because this municipal dumping site was far and also due to the tax that had to be paid at the entrance. It costs Ksh 100 to offload a truck in the Dandora dumping site.

garbage—is required. These attest to an increased and stable action in the private sector. Furthermore, combining these different phenomena that show the urban scenario could lead to a negative judgement on the evolution of the role of public authorities. Recurrent assessments of the public authorities are ‘withdrawal’, ‘failure’, or ‘deficiency.’ However, by drafting state actions only from a Weberian point of view, we block ourselves from thinking about the eventual intervention transformations to seeing only withdrawal and loss of control.⁷³ In the case of the garbage in Nairobi, if the authorities do not directly control this private involvement, it is simply because the authorities are also involved indirectly in the private sector and in a manner that is less visible. It is therefore necessary to look into the manner in which the authorities in practice understand this process of informal privatisation.

The public authorities develop diffuse regulation mechanisms for the new situation

The public authorities do not directly oversee the involvement; they have nevertheless developed indirect and diffuse regulation mechanisms. These specific modes of action of the public authorities are aimed at orientating their involvement according to ways that seem comfortable to them in responding to various issues.

Indirect and diffuse regulation mechanisms

Whereas the public involvement offers a potential management of urban services at a low cost for the municipality, it is also perceived as a threat to the prerogatives of the authority, thus leading the former to limit them.

Potential threat to public prerogatives

Development of public involvement raises the stakes, which are directly linked to the power of local authorities.

Indeed, the strengthening of involvement leads progressively to real areas of non-institutionalised management, often at the estate level, whose power and legitimacy increase due to their capacity to manage their problems by themselves, as in the case of the Eastleigh Business Community Policing Office. This group comprises some 3000 members. Initially created for cultural activities, the group has taken charge of an important role in various urban services such as security, several social services and management of garbage for the estate residents. The risk for the authorities is therefore the development of competing territorial powers that they cannot control.

The encouragement of public involvement by granting a legal basis supporting it therefore appears as an unlikely option for the authorities, and not merely because of the direct impact that it will have on the administration

73 Hibou, B., « La décharge: nouvel interventionnisme », *Politique Africaine*, N° 73, 1991, pp. 6–16.

in matters pertaining to garbage. The staff in the cleansing department will probably be reduced. Access to resources, especially financial resources from the garbage section will be limited. These are very sensitive problems in Nairobi. Indeed, the cleansing department in the NCC (integrated in the environmental department), in charge of garbage management in the city, employs 1500 people. It employed more than 2000 at the beginning of the 1980s.⁷⁴ To lay off this number of staff is a reduction of political power for the elected officials, as they always have a continuous fight for the control of City Hall in Nairobi.

Thus the authorities seem primarily to be developing “*involvement as a means*”,⁷⁵ echoing the sentiments of François Constantin: “*a technique by which whoever claims to use it does so because it will allow the administrator to achieve their objectives.*” City Hall does not therefore give the administrator the means to become part of the “*involvement as an end*”, meaning an active, adaptable but above all, integrated involvement.

The limitations to the development of participation set by the authorities

The municipality has, in an indirect manner, set measures that allow it to limit investment of the big stakeholders who are involved in garbage management: the private companies and the residents.

Concerning the private firms that now operate all over the city, the legal framework in which they operate keeps them in a situation where they cannot threaten the theoretical prerogatives of the authorities. These private firms that have become indispensable actors in garbage collection (they now collect half of the garbage produced), remain simple commercial enterprises which need a licence from City Hall⁷⁶ and can only operate in defined areas. Only one enterprise has a contract by delegation—the Kenya Refuse Handlers, in September 1997—to ensure cleaning of streets, sidewalks and markets in the City Centre (the Central Business District—CBD), as well as the daily collection and transport of garbage from businesses, restaurants, hotels, offices, kiosks and public institutions of that area to the Dandora site. Here also, the financial clauses maintain the municipal prerogatives: the delegated firm cannot collect taxes by itself, leading to a situation where City Hall only pays it haphazardly, which instigates periodic collection crises in the CBD. One can also note that numerous stakeholders in these private companies belong to the politico-economic elite, thus limiting the idea of a loss of control by authorities to private companies. Thus, one of the leading companies in garbage collection,

74 *Daily Nation*, 15/01/1984.

75 Constantin, F., *op. cit.*, p. 55.

76 The licence is obtained by registering with the Office of the Registrar of businesses and commercial companies. However, the criteria for its issuance are vague, as is the cost of the licence, which varies from Ksh 7000 to Ksh 20,000 per year.

Bins, is presided over by Mark Too, a politician and close ally of the former president, Daniel arap Moi. In the same manner, senior members of the Kenya African National Union (KANU), have interests in the paper recycling company Panafrican Paper, which benefited from a near monopoly up to the middle of the 1990s.

As for public participation, the authorities do not encourage any concrete involvement beyond awareness campaigns that are often undertaken just before major political events. Thus, a major forum on participation, 'The Nairobi we want', launched in 1993 notably on the initiative of the mayor at the time, S. Mwangi, did not have any concrete results. The legal context regarding participation remains non-existent. Equally, the annual World Environment Day celebrations, organised by the United Nation Environment Programme and different NGOs, is more or less ignored by the authorities either national or local (only one day and only in certain estates of Nairobi). In fact, the rare initiatives by the authorities are concentrated on special times such as just before elections. These regulatory mechanisms, as diffuse as they may be, have largely allowed the authorities to arrive at a situation where services are now more and more taken over by others without any real threat weighing down the authorities.

'Efficient' regulatory mechanisms

Their 'efficiency' can be measured by looking at the current situation: the alternative services in waste management are developing without any real public hostility and the authorities do not see their prerogatives being rendered meaningless by events.

Intact public prerogatives

The limitations set by public authorities on the development of participation do not have a negative impact on their legitimacy.

As regards waste management, the authorities do not feel any real pressure to act. In Nairobi, despite the residents' representations on garbage having evolved, garbage is still considered as a secondary problem. It is not a priority problem, but follows housing, water and sometimes sanitation. Equally, public representation on garbage remains dominated by a sanitary approach: awareness of this problem remains dependent on the link established by residents with sanitary problems that may result from garbage. However, the sanitary consequences of poor garbage management, despite being harmful, are not directly perceptible. The link between garbage and the environment, where the consequences are extremely visible (as, for example, in the case of rivers), is an issue still not firmly anchored in public representations. Accordingly, the failure of the public authorities in garbage management does not, as would be expected, affect their legitimacy.

Equally, City Hall's authority seems to be intact for the time being, perhaps due to the difficulty of co-ordinating participation in a move which questions the correctness of public investment continuing to develop in such a manner. The importance given to the monetary dimension of garbage management adds a new problem to garbage recycling. More and more residents are demanding to be paid for garbage that they know can be recycled. In Umoja, for example, during the first five months of the year 2002, street children who used to collect garbage door to door free of charge from estate residents were confronted with a flood of requests for financial compensation in exchange of their garbage. The inhabitants considered that, since the street children were getting a profit from the dealers in plastic, metal and paper, they should get 'their share.' This phenomenon, repeated in several other estates in Nairobi, is tied to a garbage market, which, while developing, remains less integrated and therefore fragile. It is important to note that individual actions aimed at only removing garbage from the house remain the most widespread form of public involvement. Equally, when there is integration (setting up of a collection, sorting and recycling system in estates through the intermediary of different stakeholders), the elimination of non-recycling garbage remains a thorny problem, which for the time being is the subject of some weak initiatives at city level.

Reinforced public prerogatives?

If the ability of the public authorities to react to this informal privatisation has already been highlighted (notably the presence of politicians in the shareholding of private collection firms), some factors have begun to institutionalise this participation, which was at the beginning autonomous. In fact the initiatives that are developing in some estates attract local politicians who hope to profit from them. This politicisation tends to add red tape to territories which were at first non-institutionalised, thus making it a potentially 'subversive' character for the municipal authority.

Equally, the development of a garbage economy does not seem to be able to continue in the only *interstitial* city: some traders are asking for legal recognition of their profession in order to enable it to survive, thus expressing a need for the State. Therefore, the rise of the Kamukunji area⁷⁷ since the 1980s reveals an ever-increasing expectation of these small-scale traders from the authorities. Whereas in 1985, 300 people worked there, there were about

⁷⁷ The area set aside for the informal exploitation of metal for purposes of recovery/recycling. On the metal business and especially in the Kamukunji area, K. King revisits the history of its development: King, K., *Jua Kali Kenya. Change and Development in an Informal Economy (1970–1995)*, London, James Currey, 1996.

2250 in 1995.⁷⁸ This expansion is due to its location that is favourable for the use of this kind of material. It is located near the industrial area and a commercial centre (for sourcing the raw products), near the Nairobi River (for necessary water resources), near Mombasa Road⁷⁹ and near a major bus station for customer transportation. But the site is today faced with other problems that inhibit its development. First, the 1.5 hectares of the area are saturated. Then, the site, which is simply tolerated by the authorities, does not have any infrastructure or service, and is thus limited for development. Whereas tapping can always solve the connection to the electricity grid, the collection of garbage linked to this activity is non-existent. This poses the acute problem of their transportation elsewhere other than in the neighbouring river. The micro-entrepreneurs of Kamukunji, through the creation of an association, have therefore turned towards the public authorities, who initially had indeed not encouraged them with a request for the recognition of their professions, for an official demarcation of plots for each one, for new installations and for access to collective services.

CONCLUSION

In Nairobi's garbage management, co-production has become the rule. Different actors, both public and private, deal with garbage. The involvement of the private sector is developing following varied modalities (individual or in groups, formal or informal), and is taking an increasing role in the provision of urban services, particularly to poor residents. However, the discussion should not be articulated around fears concerning the ability to govern urban areas, as complex as they have become due to the many factors involved. If action on the urban scene is dispersed, this is not to say that it is guided by pure contingency. As garbage management shows, different participants, especially the public authorities, adjust their strategies in relation to the new stakes that result from the development of public action. Regulation by public authorities is done according to practical and diffuse modes but which do not always fit into the 'usual' picture. Therefore, apart from periodic crises relative to the management of urban affairs, we are seeing a continuous restructuring of 'public action.'

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⁷⁹ Mombasa Road is the main economic axis between the Indian Ocean and Lake Victoria.

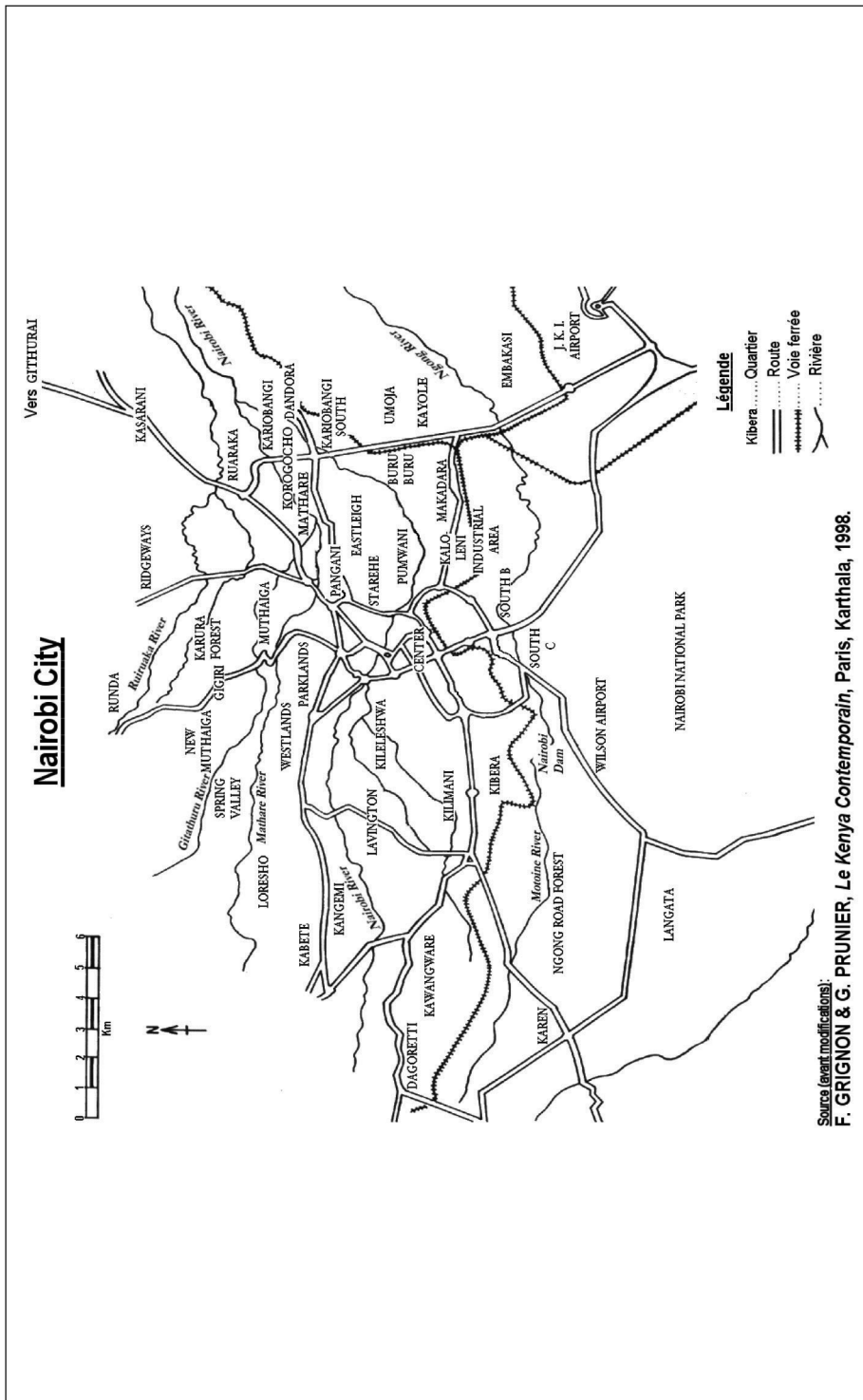
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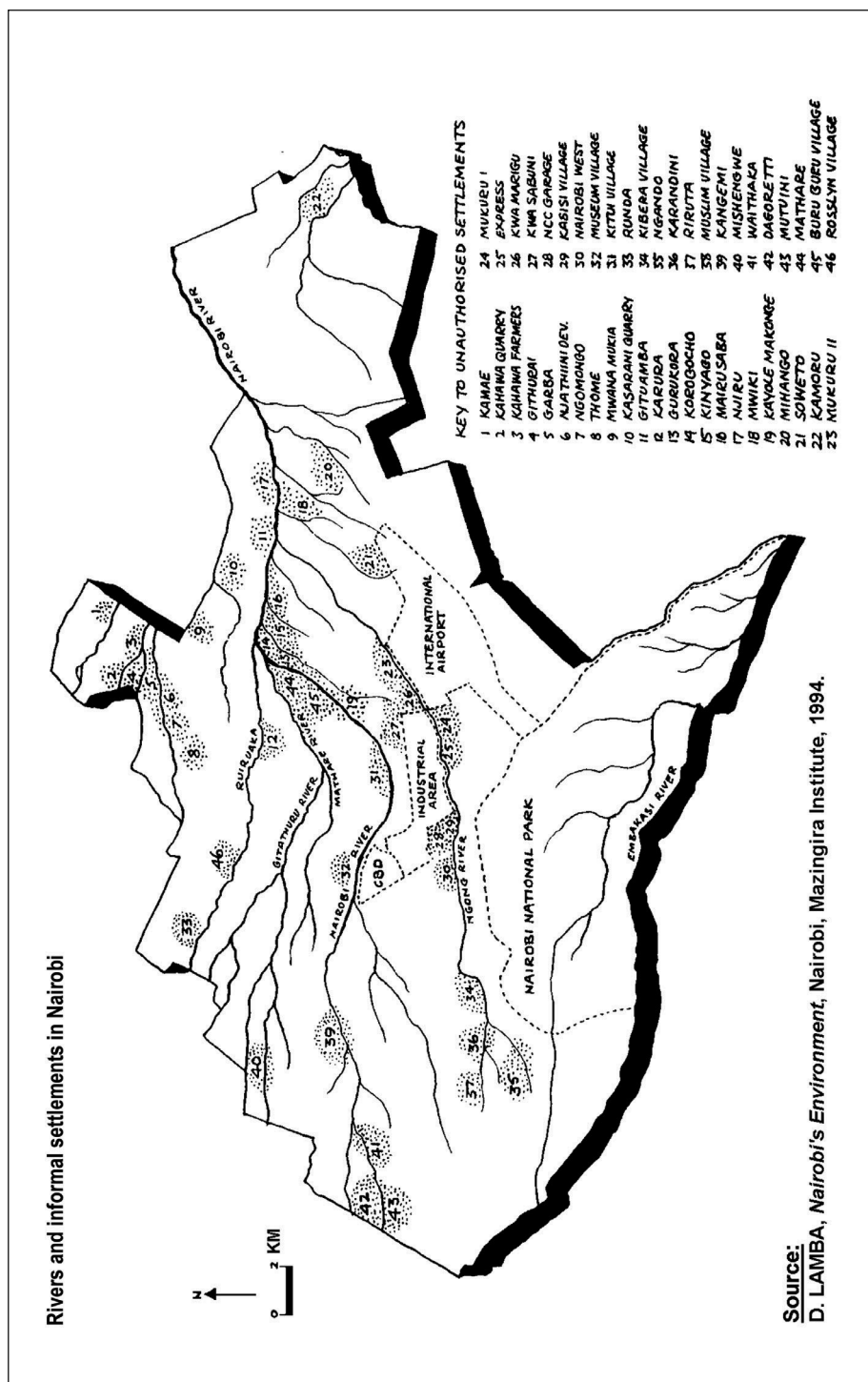
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Water and the poor in Nairobi: from water apartheid to urban fragmentation

The case of Kibera

Anne Bousquet

Nairobi is strongly marked by the social and spatial segregation established during the colonial era. The city today still carries these signs, but independence and certain economic developments have led to more subtle social distinctions. A differentiation within the black population itself has now succeeded the colonial racial discrimination between blacks and whites. The extent of this segregation, coupled with the economic crisis that is currently underway in the entire country has led to a real urban fragmentation.¹¹ In recent literature the dominant hypothesis is that urban fragmentation is responsible for the “*inability of the city to create a society*”¹² and reduces the ability to govern cities. Public services could create solidarity among the different strata of the population through social or geographical equalisation and thus participate in the maintenance of urban cohesion.¹³ However, the distribution of urban services is unequal in different areas of the city. The water network is no exception. Anyone who has stayed for even a few days in Nairobi cannot fail to notice the immense difficulty that the city water department has in providing proper water services to all. In this context, what reforms did the World Bank propose?¹⁴ Can the merchandising of the sector benefit all the less fortunate city dwellers? Or on the contrary, as in other socio-economic sectors, are the elements of reform the seeds of fragmentation?

An overview of the supply of clean water in the city will show that the disparities between the rich and the poor are the disparities between connected customers and those who are not connected. The water department of

11 S. Jaglin proposes a definition of urban fragmentation as follows: it is a “double movement of social specialisation of spaces (renewed segregation, whites-blacks, rich-poor) with a variation of social cleavages (ethnic, religious, political, racial, economic) specific to each country or culture, going together with a separation of spaces.” Jaglin, S. ‘Villes disloquées? Ségrégation et fragmentation urbaines en Afrique Australe’, in *Les Annales de la géographie*, No 619, mai-juin 2001, pp. 243–265.

12 According to an expression by J. Donzelot, in Kirzbaum, T. *Modernisation des services publics et éclatement de la ville*, sous le regard des chercheurs, Paris, Plan, Urbanisme, Construction, Architecture; ministère de l’Équipement, des Transports et du Logement, Collection « Recherches », n°124, 2000.

13 Stoffaes, C. *Services publics, question d’avenir*, Paris, Odile Jacob-La Documentation Française, 1995.

14 Krhoda, G.O. *Historical Analysis of National Water Development Policies, Programmes and Institutions in Post-colonial Kenya*, Discussion Paper n°4, Department of Geography, University of Nairobi, 1997.

the city of Nairobi is in fact characterised by a general dysfunction and a discriminatory and deficient nature, in a context of politico-administrative blocking. Under the influence of neo-liberal theories advocated by the World Bank, reformed water departments are trying commercial management principles. 'Alternative solutions' are proposed and tried for provision of water to less fortunate estates. However, these new arrangements can reinforce urban fragmentation as can be seen from the example of the water supply to Kibera, the biggest slum in Nairobi and one of the biggest in East Africa. If the risk of fragmentation materialises, what would happen to spatial equality (physical access to clean water) and to social equality (the price of water, its economic accessibility)?

CRISIS OF THE WATER DISTRIBUTION NETWORK IN NAIROBI AND INSTITUTIONAL RESPONSE

The situation before the reforms is one of crisis. Never in the history of Nairobi have the authorities been able to offer a water supply to the whole population. In colonial times, the department in charge of the water distribution network concentrated its efforts on the white population. Then at independence, after a decade of utopia and equality, the government consolidated its power by sealing its pact with the urban elite and middle class for a high social class redistribution of urban services: the water sector was no exception.

Shortage of clean water and inherited social discrimination

The Nairobi City Council (NCC), through the Water and Sewerage Department (WSD) municipal board, is responsible for the production, distribution and supply of clean water to the city of Nairobi. This is a characteristic of African Anglophone countries compared to African francophone countries where the water supply is organised on a national scale. The city is supplied with ground water from Kikuyu springs and Ruiru, Chania and Thika Rivers, which feed Sasumua and Ruiru dams and the Ngethu/Ndakaini system, consisting of four reservoirs.

TABLE 1: ESTIMATES OF THE PRODUCTION OF THE FOUR MAIN SOURCES, 2003

Source	Production m ³ /j
Kikuyu	4 000
Ruiru dam	11 318
Sasumua dam	55 648
Ngethu/Ndakaini	328 850
TOTAL	399 816

Source: Ministry of Local Government, Nairobi City Council. Burgeap. Seureca. Runji and Partners, Kibera Urban Environmental Sanitation Project. Consultancy Services for Identification, Preparation and Implementation, Master Plan, Final Report, Nairobi, May 2003.

Most installations date back to the 1940s. Part of the network was rehabilitated in the 1990s with the Third Nairobi Water Supply Project, strengthening the water production capacity for the city, but it remains insufficient since the real demand is estimated at 418,750 m³/day.¹⁵ A water shortage is nothing new for Nairobi.

According to the Master Plan of 1948, the production of clean water by the end of the 1940s was already largely insufficient:¹⁶ the population was then estimated to be at least 250,000 and the total quantity of clean water available was only 9092 m³ (that is 36 litres per person per day), whereas it should have been 56,825 m³ to satisfy all needs. The network 'could' supply 70,000 people, which meant that many town dwellers did not have direct access to water. From colonial times, the type of access to water and the level of service provided largely depended on the type of estate. European areas were supplied with modern sanitary standards, whereas the level of equipment in planned native estates varied from the collective water hydrant-fountain to the private tap in the court and for a very small minority, a tap in the kitchen. For the informal settlements—most of the African estates—access to water was much more problematic. Therefore, in Kibera, the public equipment in the colonial period supplied to the poor had more to do with charity than a policy of redistribution. Just as Jaglin put it, since the skin colour determines the type of access to water, one can therefore talk of 'water apartheid'. Later on and despite a greater involvement of public authorities in the urbanisation of Nairobi, the question of the responsibilities of the State, the City, communities and the personal efforts by individuals was still not resolved. However, the new settlements planned for the natives, built as from the 1940s, offered much better equipment and a better access to different urban services. Since independence, the 'racial' separation put in place by the colonial powers transformed itself into social segregation to the advantage of middle classes. The unequal access to water in the city today carries this heritage.

An officially raised average rate of access to water that hides disparities between the rich and the poor

For the small minority that benefited from it in Nairobi, the integrated and integrating network prevailed for a long time, at least in speech, as the only standard for supply as well as private connection. In 1974, the National Water Master Plan announced the general access to water by the year 2000. In

15 Ministry of Local Government. Nairobi City Council. Burgeap. Seureca. Runji and Partners. *Kibera Urban Environmental Sanitation Project*; Nairobi, Consultancy Services for Identification, Preparation and Implementation, Master Plan, Final Report, May 2003.

16 Thornton White L.W., Silberman L., and Anderson P.R. Nairobi, Master Plan for a Colonial Capital, A Report Prepared for the Municipal Council of Nairobi, London, HMSO, 1948.

2004, that is four years after the announced deadline, only 50% of the rural population and 75% of the urban population of Kenya have access to clean water. The definition of access to clean water has however been widened. Henceforth, it integrates collective water points and private water kiosks. Any dwelling within a radius of 200 m from a water point connected to the network is considered as serviced. Based on this definition, Nairobi enjoys an acceptable distribution, as the following table shows:

TABLE 2: SOME WATER DISTRIBUTION INDICATORS FOR NAIROBI IN 1995¹⁷

Number of connections	137 861
Spatial coverage in (%)	78
Physical coverage in (%)	90

Source: Housing Department (1995), cited by Aligula, E.M. Improving the Performance of Urban Water Infrastructure Services Delivery and Management in Kenya; A case study of Nairobi City, Kisumu and Eldoret Towns, University of Dortmund, Faculty of Spatial Planning, 1999.

In 2001, 96% of inhabitants of Nairobi consumed water from the network. The others had to rely on riskier alternative sources¹⁸ or still had their own bore holes, especially residents in Karen and Langata. Only 23 to 42% of households had their own connection. A big majority of city dwellers have to get water from kiosks, public water points, from water sellers or from an illegal connection to the network. There are many reasons to explain the imprecision of figures presented: it is very difficult to get the data from city hall and the State Ministry and it is not easy to determine the number of families and individuals who use a tap installed by a landlord, registered under his name.

The data pertaining to the physical accessibility to the network are not sufficient to understand the reality of the supply of water to the city of Nairobi. Not only because the aggregated data hide important geographical disparities but also because the levels of service are extremely disparate. It is necessary therefore to complete this information with significant data on economic accessibility to the network.

According to a survey by the World Bank¹⁹ on 674 households in the towns of Nairobi, Mombasa and Kakamega, the average water consumption per

17 In 2001, Halcrow Group Limited gave the figure of 187,000 customers. The spatial coverage is the area covered by the network in comparison to the 'urban task' of Nairobi; the physical coverage is the number of houses situated within a maximum radius of 200m from a water connection.

18 It is estimated that there are 2000 boreholes dug by individuals and industries and commercial concerns to escape the recurring water shortages.

19 World Bank. Review of the Water Supply and Sanitation Sector, Improving Urban Water Supply in Kenya: Demand, User Perception and Preferences in Nairobi, Mombasa and Kakamega, a paper supporting the Aide Memoire of December 19, 2000, Nairobi, p. 51 In Nairobi, studies were carried out on 300 households in 8 estates corresponding to different socio-economic levels. These studies were completed by studies on the will-to-pay for an improvement of the distribution network.

person per day is limited to 37 litres. Three quarters of this volume comes from a primary source, secondary sources accounting for the rest. The average consumption per person is therefore low but it is particularly the gaps between consumers that are greatest.

TABLE 3: AVERAGE WATER CONSUMPTION IN 2000

Monthly income per household in Ksh ¹⁰	< 10 000 Ksh (less than 140 euros)	> 10 000 Ksh (more than 140 euros)
Size of household	4	5
Cons./day/household (l)	105	206
Cons./day/person (l)	26	41

Source: World Bank. Review of the Water Supply and Sanitation Sector, Improving Urban Water Supply in Kenya: Demand, User Perception and Preferences in Nairobi, Mombasa and Kakamega, a paper supporting the Aide Memoire of December 19, Nairobi, 2000.

It is households with the lowest incomes that dedicate the biggest part of their budget to water.

TABLE 4: EXPENDITURE FOR WATER IN COMPARISON TO THE TOTAL EXPENDITURE IN 2002

Socio-economic categories	Annual expenses of the household (%)
Low income households	4
Intermediate income households	3.96
High income households	1.93
Average for all households	3.75

Source: The Consumer Information Network. Empowering Vulnerable Consumers in Kenya to Access and Influence Water and Sanitation Services. A Case Study of Korogocho Area, Nairobi, Kenya. Report prepared by C. Odongo and W. Mungai, Nairobi, June 2002.

¹⁰ In this document, the poverty line was fixed at Ksh 10,000 per month but it does not specify the criteria used to determine it. According to this threshold, 37% of households interviewed in Nairobi are poor. In 2001, one euro was valued at Ksh 69.6.

TABLE 5: COMPARISON BETWEEN HOUSEHOLDS HAVING A PRIVATE CONNECTION AND THE OTHERS

	Private Connection	Collective Tap	Other Sources (kiosks, water sellers...)
% of poor households	4	58	76
Time spent getting water in minutes (1st source)	Less than 1 minute	15 minutes	More than an hour
% Having to go more than 200 m	0	3	47
Storage capacity in litres	2200	1013	565
Investment for storage in Ksh	10 571	1395	7864
Consumption in l/day per household	208	114	146
Consumption per person in l/day	38	35	35.5

Source: World Bank, *op. cit.*

This table highlights the supplementary constraints that poor households face depending on the type of supply. Poor households do not usually have a private connection and have a lower storage capacity. On the whole, it clearly appears that customer categories that have private or 'semi-collective' (in the context of rental housing blocks) connections are the most favoured. Furthermore, the mode of bi-monthly billing does not favour access to connection for less fortunate populations. In fact, most of the inhabitants of informal estates do not benefit from regular income and resort to micro-payment for their daily expenses. These expenses are engaged on a day-to-day basis, and depend on small sums earned often in the informal sector. In these circumstances, saving with a view to paying a 'big' bill every two months is impossible. Equally, the cost of connection, totally at the expense of the consumer, does not allow these populations to access this level of service. The costs are estimated in the following manner:

TABLE 6: COSTS OF CONNECTION FOR DOMESTIC CUSTOMERS AND WHOLESALERS (KIOSK), IN 2002, IN KSH

	Domestic	Kiosks	Industries
Deposit	1200	2400	6000
Estimates	800	800	800
Survey	301	301	101
Total	2301	3501	7101

Source: The Consumer Information Network, *op. cit.*

In 2003, 1 euro was valued at about Ksh 92. A candidate for connection has to provide the pipes between the main WSD pipe and his/her house. The informal estates are serviced by a very loose network, which most often requires longer pipes for connection and therefore higher costs than in formal estates where the network is smaller. Therefore, despite the will of the authorities to favour small consumers by putting in place a low consumption bracket in its billing system (social bracket), the initial price of connection and the mode of billing still represent obstacles for access to connection for poor populations. Most of the kiosks being registered as domestic connections (since the cost of connection is lower),¹¹ their owners cannot benefit from a social tariff (10 Ksh/m³ whatever the consumption). The billing is calculated on the basis of 12–35 Ksh/m³ (progressive domestic tariff) paid by the end consumer.

At the City Hall, a water committee composed of councillors and Water Department employees determines the buying tariff and the resale tariff. The municipal councillors represent (or are supposed to represent) customers in this committee. The advised resale tariff is Ksh 1 for 20 litres, but City Hall has no legal obligation to impose this tariff on consumers and in any case, there is no law against resale at a higher tariff. Lastly, whereas many customers do not get their bills or only receive consumption estimate bills,¹² the poor are immediately forced to pay for the water they get from kiosks. All these factors led to a situation many times denounced by NGOs: the poor in informal estates pay up to ten times more for water per cubic metre (from 0.50 to 100 Ksh/m³) than richer consumers in formal estates, who have a private connection (from 12 Ksh/m³ to 35 Ksh/m³).¹³

Therefore, the so called policy that was designed to be favourable to the poor through a social bracket and tariff, finally only benefited the middle and upper classes, which have the means to get connected and to pay bi-monthly bills.

A new resolutely liberal water policy

As a result of the growing demand for water in the city of Nairobi and the serious deficiencies of the WSD in ensuring a reliable and equitable service, Kenyan authorities are trying to put in place reforms in the clean water sector, especially in Nairobi. These reforms are directly inspired by the World Bank, which hopes to promote the participation of the private sector and which has made the reforms a condition for aid meant for the rehabilitation and

11 The Consumer Information Network, *Empowering Vulnerable Consumers in Kenya to Access and Influence Water and Sanitation Services. A Case Study of Korogocho Area, Nairobi, Kenya*. Report prepared by C. Odongo and W. Mungai, Nairobi, June 2002.

12 For more details on the loopholes of the WSD billing system, see Bousquet, A. *La restructuration du secteur de l'eau au Kenya et en Tanzanie face au problème des quartiers pauvres (capitales et villes secondaires)*, Doctorate in Development, under the supervision of P. Merlin and S. Jaglin, University of Paris, 8th October 2000.

13 The Consumer Information Network, op. cit.

extension of the water network. Given that the larger part of the network is more than 40 years old,¹⁴ these rehabilitations are more and more urgent, which puts pressure on the authorities to restructure the sector.

The entire water sector in Kenya has undergone a profound restructuring in line with the liberal tendency of reform in the public sector. In the face of the failure of public management of water services, donors are demanding the 'merchandising' of the sector, of which the main principles are as follows:¹⁵ participation of the private sector, true reflection of prices as per consumption, segmentation of the offer and the adaptation to demand. These main principles form the heart of Kenyan laws pertaining to the reform of the sector. They are supposed to lead to an improved (technical and economic) efficiency of network management, thus allowing collection of funds for the maintenance, rehabilitation and extension of networks in the long term.

In its White Paper on the new strategy for the water sector,¹⁶ the Kenyan government stipulates that a reliable supply of clean water is a stimulating factor for economic growth and the improvement of public health. To this end, the government commits itself to ensuring that provision of water, especially to the poor, rises by 8% per year to a generalised access, through mechanisms of financing the service for the poorest populations. In the current state of the text, the resolutions are still vague and only seem to constitute 'good intentions'. Land laws are, as in the 1990s, identified as being a major obstacle to the servicing of poor settlements.¹⁷ The text is based on the wide spread idea that competition between providers in the informal settlements will reduce the price of water, something that has still to be verified. The principle of differentiation of levels of service is reaffirmed, which implies a service of lower quality for the poor populations. But the question of financing new infrastructures remains vague. Vague financing and specific development funds are mentioned but nothing is said about the manner in which these funds will be collected. Is this compatible with the autonomous management of each network and the announced ending of standardisation of tariffs? In any case, the creation of specific funds could be the beginning of what S. Jaglin terms "*the externalisation of the social question*" or rather a certain form of externalisation.¹⁸

Public authorities, however, acknowledge the inefficiency of land laws in force and have declared their will to progressively regularise the

14 Ministry of Local Government. Nairobi City Council. Burgeap. Seureca. Runji and Partners. op. cit.

15 For a global analysis of this type of reform, see Kirzbaum, T., op. cit.

16 Republic of Kenya, Ministry of Land Reclamation, Regional and Water Development. Community Management of Water Supplies Project; Guidelines, Modalities and Selection Criteria for Handing Over Water Supply Schemes, vol. II, (Background Information and Appendixes), Nairobi, October 1997.

17 Public Health Department. Nairobi City Commission. Policy Options for Management of Informal Settlements in Kenya, presented at Workshop on Meeting the Needs of the Urban Poor, Environmental Sanitation Improvements in Informal Settlements, Naivasha, September 10–13, 1991.

18 Jaglin. S., art. cit.

informal settlements in the recognised urban context (by the involvement of community systems and independent providers in long term planning). Taking poverty into account in these reforms of the water sector in Kenya essentially results from the regularisation and institutionalisation of a state of fact. The promotion of communal water kiosks as a main model of service in poor areas does not give a truly innovative solution; it just institutionalises the spontaneous response of residents. That allows the authorities and donors to study the solvency of poor city dwellers since they already pay more for their water than those who have a connection. We are therefore seeing a spatialisation of the offer, a localised adaptation of the former under the auspices of the authorities. The connected populations, solvent for the most part, remain in the grip of a parasitic municipal management, whereas the poor city dwellers are abandoned to the will of donors and NGOs on condition that they contribute and get together in order to manage and autonomously regulate the micro-networks. The role of the public is therefore limited to the regulation and implementation of investment funds intended for maintaining a certain cohesion or socio-economic solidarity of urban groups. However, at the moment, it is not clear how these funds will truly be dispersed and as far as regulation is concerned we can only wait and see.

The rich of Langata vs. the poor of Kibera: a possible scenario?

After the rent wars, is it possible that there might be a war over water in Nairobi? In the current context with limited water resources and a technical and managerial dispersion of the network, the fight for access to water could see the triumph of affluent estates. These estates, through certain associations, such as the Karen and Langata District Association, are vigorously campaigning for privatisation.¹⁹

According to KUESP,²⁰ there is a production deficit that penalises Kibera residents. It is estimated that Kibera receives 4000m³/day, whereas the demand is 17,000m³. The deficit is therefore 13,000m³. It would seem that city hall favours servicing Karen–Langata to the detriment of Kibera even though these two estates depend on the same source.²¹ In the context of recurring water shortages, the fight for the appropriation of water cuts across the social divide that fragments the city: the rich in Karen–Langata against the residents of Kibera and within Kibera, landlords who are connected and resell water to exploited tenants. In the face of this crisis situation, the response of the authorities can be summed up in one word: privatisation. Indeed, in order to purge the public sector currently monopolised by the

19 *Daily Nation*. 6/11/2003, 'Why the delay in forming an independent water provider?', E. Lowe, Karen and Langata District Association, Nairobi.

20 Ministry of Local Government, Nairobi City Council. Burgeap. Seureca. Runji and Partners, op. cit.

21 Personal interview with Mr Mohamedbai, engineer with the consultancy firm Howard Humphreys, Nairobi, June 2002.

municipality, the reforms first propose to empower the management of the water network with a commercial rationalisation and the long-term setting up of a delegation or concession. But this privatisation, which is wished by some and feared by others, would not have the same impact. The residents of Karen-Langata would like to manage the revenues from water bills that they have been paying the city hall, just as they do for their local taxes.²² On the other hand, Kibera residents are ready to support the opinion of Jaiindi Kisero, a *Daily Nation* journalist who has been actively campaigning against any form of privatisation. It is a very lucrative sector since the non-connected poor residents pay five to ten times more for water than connected households. The lack of solidarity and the fragmentation of urban society in Nairobi seem to stem from many factors ranging from employment to access to property. We are therefore seeing a city made up of 'neighbouring ghettos',²³ of fragments that function independently from each other.

One could say that it has always been that way, that Nairobi has always had blacks, whites and Indians, the rich and the poor coexisting. What has therefore fundamentally changed? What are the factors that allow us to talk of 'fragmentation'? The water sector can furnish us with an answer to that question. The elements of reform today, which are symptomatic of the liberal reforms affecting public services and the public sector as a whole, are one of the vectors of the current fragmentation. However, let us not forget that the initial situation, before the advent of merchandising, was not ideal either. "*Tap water for all*" has remained a mere slogan. The public sector has never been able to reach an equitable distribution of water services in the city of Nairobi. Despite this state of things, the standard of reference has been a tap for everybody and the official objective has been the democratisation of the sector with a high level of service, through equality between the different types of consumers and between social groups. Quite often, the free water to rate-payers in the lowly neighbourhood, facilitated by an all-inclusive billing (making this over-consumption 'invisible' in management terms), added to the existence of free springs installed by the NCC, created favourable conditions for an implicit social regulation.²⁴

Today, the reformers are proof of the realism, or even cynicism, when they suggest differences in the level of services provided, depending on the paying capacity of each customer group. This would be within a pricing context

22 Karen-Langata Association took the City Hall to Court and the court ordered suspension of collection of local taxes until the City Hall provides details and justifies them on the utilisation of taxes. See: Ndirangu Gichinga 1998, cited in Aligula, E.M. Improving the Performance of Urban Water Infrastructure Services Delivery and Management in Kenya; A case study of Nairobi City, Kisumu and Eldoret Towns, University of Dortmund, Faculty of Spatial Planning, 1999.

23 Rodriguez-Torrès, D. 'Nairobi, entre Muthaiga et Mathare Valley', in Grignon, F., Prunier, G. *Le Kenya contemporain*, Paris, Karthala, 1998.

24 Jaglin, S. Réseaux et fragmentation urbaine. Water services in Sub-Saharan Africa. Habilitation à Diriger les Recherches, Université Paris 8/LATTS, février 2004.

on the complete cost and autonomy for the networks. The practice of free water is therefore put to task and water has become a business enterprise like any other. This is where we find the possibility of fragmentation, by the fact that the service is redefined as per the territory through “*encapsulating service in poor residential areas*” (S. Jaglin). The service would be made economically autonomous, thus rendering a rich–poor equality more difficult. Are the reforms as radical as the laws and slogans of government would have us believe? If this technical and managerial fragmentation is effective, what impact does it have on the poor population?

ALTERNATIVE SOLUTIONS AND DIFFERENTIATION AT SERVICE LEVEL: THE CASE OF KIBERA

Kibera is one of the oldest informal settlements of Nairobi and one of the poorest.²⁵ Kibera is situated southwest of Nairobi, inside the administrative borders of the city, only 7km from the central business district.

A huge part of Kibera is composed of informal settlements. It is made up of ‘villages’ spread out on 110 hectares of land. Kibera was originally a Maasai grazing zone, after which the land became a military reserve. Between 1912 and 1928, it was given to the Sudanese Soldiers as a temporary residence. This was as an appreciation of their enlistment in the British Army. In 1933, the Carter Commission in charge of the informal settlement department, recommended demolition with partial compensation and progressive eviction of squatters. The commission recommendations were only partially implemented and squatters continued flooding into this site. This was the start of a long period of insecurity for Kibera residents. A plan approved in 1959 demarcated 560 acres (about 250ha) which formed the African Kibera of 1948 as an urban residential estate to be developed for 15,000 residents.

Sanitation of everything through drainage and connection to the municipal sewage system are recommended not only because of the poor soil quality but also due to its proximity to the municipal water pipes. From this plan rehabilitation of the neighborhood started from the northwest border but in the long run all operations were restricted to divisions within the margins of the neighbourhood. Today the original residents form a small minority and uncertainty continues about land ownership. In its most recent estimations KUESP estimates the population in Kibera to be 470,000 people in 1998 (while the World Bank estimates it to be 800,000).

The Kibera NGO project Maji na Ufanisi²⁶ is an example of alternative solution undertaken by the Kenyan authorities to try and respond to the water problems in the poor neighbourhoods. It talks in the framework of a collective and participative initiative.

25 On the informal settlements of Nairobi, cf: Matrix Development. Nairobi's Informal Settlements : an Inventory, for USAID, REDSO, ESA, Nairobi, March 1993.

26 Maji na Ufanisi means water for development, in Kiswahili.

This programme existed even before the new water policy was launched by the government and hence is not a result of this particular policy. Nevertheless, it is from such projects that the Kenyan government articulated its new water policy, notable for its social programme.

The history of water shortage in Kibera

Thirty years after it was founded in the 1940s, Kibera still lacks roads, water pipes and drainage networks. The few achievements made during the colonial era were at the behest of Europeans who no longer wanted to be bothered by these ‘cumbersome’ neighbours. As they (Europeans) were endowed with a clean drinking water network, they dreaded being in proximity to these poor neighbours, who came to their houses to beg for water.²⁷ During the 1960s, in the view of Nairobi City Hall and the WSD, supplying water to the informal and illegal settlements would have legitimised them. It is for this reason that City Hall refuses to connect these informal settlements to the water network, despite the willingness of the residents to pay for these services.

Nonetheless, a cholera outbreak in homes in these areas in 1971 led to installation of water points in Mathare and Kibera and in 1978 kiosks were licensed by the WSD to operate water services in 1990, 500 water points had been created in several informal settlements only limited by the acute water shortage affecting these areas. The population of these estates, especially Kibera was too enormous to be ignored, and the WSD accepted all connections requested as long as they were paid for in advance. This is how 20 km of ‘spaghetti networks’ were created in Kibera (more kilometres were recently completed within the framework of a World Bank project).

Despite this fact, the WSD still doesn’t take residents of Kibera into its long-term planning concerning future water demands and the projects that go with it. The WSD does not want to invest in infrastructures in zones where land issues have not been formalized. This lack of planning results in water demands greater than can be supplied, which translates into chronic water shortages. In view of these difficulties, local solutions appeared together with kiosks and borehole operators. A community organisation is the main water provider in the informal neighborhoods. They occupy a very important place in this market especially in Kibera, and the majority of water kiosks belong to private operators. These areas are important fields for action by NGOs and the World Bank who have undertaken numerous projects for the purification and provision of water.²⁸ More often an estate is contacted by a local or an international NGO, which tries to mobilise the residents about a problem,

27 “The only way they were able to get water for necessary use, i.e. cooking or washing is by begging water from neighbours or European houses as it is absolutely essential to them to obtain water somehow”, P. Wheelock’s letter to the Superintendent of Waterworks, 10th of October, 1940.

28 Survey by J. Mbuvi, of Water and Sanitation Program of the World Bank Nairobi, survey and field visits by the NGO Maji na Ufanisi, 2000, 2002, 2003.

and afterward tries together with them to find a solution that satisfies the majority.²⁹ This structure allows community organisations to be autonomous at least in the management and organisation structures. Therefore they play an important role for the implementation of projects and their success. In the long term, the objective is to ensure that the communities are self-sufficient for their basic and specific needs without seeking external support.

In Nairobi, water kiosks are wholly dependent on the municipal authority's network for their water supply given that they are directly connected to these networks.³⁰ For an individual, the cost for setting up a water kiosk is much lower compared to a borehole. In the entire informal estate, water is sold between Ksh 1.5 and 10 for 20 litres and the majority of kiosks sell an average of 300 litres per day. Their daily turnover ranges between Ksh 22 to 55.³¹ From my own investigation in Kibera during the month of November 2003, the revenue generated from water was more than Ksh 250 per day. The family members who own them generally run these kiosks. Given that they work at the family residence, there are no salary burdens. Profits are more if they don't receive water bills, as is often the case. This is contributed to by the inefficiency on the part of the commercial department of the WSD. It is also common knowledge that corruption is rampant in the WSD. It is very practical for a family to give a bribe "*Kitu Kidogo*" (something small) to the municipal council employee that comes to read the water meter rather than paying their water bills.

Kibera slums had 1014 kiosks in 1998³² (i.e. an average of 463 consumers per kiosk). 64% of these kiosks sell water to the public. In general, the number of water selling points does not match the number of registered points by the WSD. This difference can be explained by the fact that most of these connections are illegal and that the WSD is not able to detect them. According to the NCC, 98% of water kiosks belong to individuals while groups registered by one individual operate others. This is due to the absence of a proper water policy by WSD in favour of community water kiosks (this category does not really exist within the structure of WSD). Operating a water kiosk is a simple activity that consists of simply opening and closing a tap and collecting the money due. None of the operators keeps an account of this activity, the only document available being the last water bill given by the WSD if any. The working hours of these kiosks are normally from 6 am in the morning

29 Survey by J. Mbuvi, of Water and Sanitation Program of the World Bank, survey and field visits with the NGO Maji na Ufanisi, 2000, 2002, 2003.

30 Njoroge, B. Small scale independent providers of water and sanitation to the urban poor; A case of Mombasa, Kenya, Water and Sanitation Program, International Water and Sanitation Centre, World Bank, Nairobi, November 1999.

31 World Bank. Regional Water and Sanitation Group. Study of Water Kiosks in Kibera, Nairobi, 'Third Nairobi Water Supply Project, Kibera Water Distribution Infilling Component', informal paper, Nairobi, July 1998.

32 Ibidem.

to 8 pm in the evening without interruption, a total of 14 hours. The water business cannot be under-estimated as it accounts for the main income for the majority of families especially those who have several water points within the slum area.

Sometimes it is very difficult to differentiate between the survival tactics of a family on one hand, and exploitation of their fellow neighbours on the other hand. The tariff charged by the WSD for kiosks is Kshs 10/m³ with a minimum all-inclusive price of Ksh 120. The town hall often recommends a resell price of Ksh 1 for each jerrican³³ but the price charged is between Ksh 2 to 5. This price could again increase during water shortages. Certain kiosk operators pressurise other kiosk operators to harmonise prices and for the case of Makina Village, there is a committee of water kiosk owners who fix the prices for their kiosks. This kind of practice is accompanied at times by physical violence, which leads to certain people talking of a real water mafia. Kiosk operators sometimes even pressurise community groups who are their competitors to increase their prices. Sometimes, several operators living within the same area form a group, and ask the WSD for a connection, whose costs are then shared.³⁴ However, disagreement often breaks out when time comes to pay the bills. These circumstances are cause for necessary measures to be taken to regularize these activities in the private sectors, as there is no monopoly that exists in the public sector. Due to the aforementioned situation, City Hall tries to put in place regulation mechanisms by issuing guidelines on technical aspects as well as fixing tariffs but unfortunately there is no controlling or sanctioning organ in place thus rendering regulation attempts inoperable. In brief, the water business in Kibera via water kiosks has several limitations. Water charges at points of resale remain high. This price also varies with the scarcity of the resource. The relevant authorities have tolerated this sort of business. Currently the reformers are encouraging the transformation of this business into a free market. Absence of definite regulations and norms weigh largely upon the consumers who are vulnerable to eventual abuses. *In fine*, the services offered are of mediocre quality compared to the price charged. There is neither a social connection policy nor a common plan for the network development. This always takes the spaghetti shape, leading to degradation problems as well pressure problems in general. The reluctance by the official consumers to pay their bills is a manifestation of an absence of a service relation with the WSD. This could be seen as negligence on the part of City hall or it could be a lack of means to cater for

33 Government of Kenya, Legal Notice N° 53 of 10 August 1996, Nairobi, Kenya. Government Printer.

34 Survey by A. Bousquet of more than 50 households of Laini Saba (Kibera), on drinking water in Nairobi, November 2003.

their consumers, referred to as 'second zone consumers'. With the increasing difficulties of water supply in the informal settlements, certain residents have mobilized themselves in a collective manner. This collective action turned into an institutional initiative, which the Kenyan authorities included in their water policy objectives, destined for the poor.

The NGO "Maji na Ufanisi" and the Ushirika wa Usafi Community of Kibera.

The history of the water provisions project of the villages of Kibera, Laini Saba and Soweto, started with the creation of a community organisation (community-based organisation CBO), which had an objective of collecting domestic garbage³⁵. At this time, in 1995, this committee was supported by an NGO called ANNPCAN which was responsible for, among other things soliciting for funds from donors. It was at this particular moment that Water Aid, a British NGO intervened in the water sector among others. This NGO involved itself in the project by providing cleaning materials. Little by little this community organisation grew to over 100 people and enlarged its water provision initiatives in 1996. The objective of this committee was to provide the Kibera residents with more water at low cost. Action Aid provided the committee with four reservoirs for storing drinking water from the municipal network connection. Currently the committee has 400 members. Following conflicts with other operators, the committee increased its price from Ksh 1 to Ksh 5 per 20 litres. The committee runs a total of eight water points for the whole of Laini Saba village. Each of the four metallic tanks has a capacity of 10,000 litres, provided by *Maji na Ufanisi* (Water for Development). Each water point serves approximately 1,200 consumers on a daily basis.

Consequently this water business has provided the community with enough funds to enable it to function independently and to cater for numerous expenditures such as the salaries for the hydrant men, paying of water bills to WSD and office running costs, etc. The profit is reserved in case a major repair or a major replacement is needed. The surplus amount is reinvested in land and rental property. To this end, the community owns rental houses and a community office for which they have obtained title deed from the authorities (a very rare action in Kibera). The water connections were not registered as kiosks but rather as private connections.

Therefore, the committee had to deposit Ksh 6,000 for the connection as 'guarantee deposit' a sum corresponding to industrial tariff, Ksh 2,400 being the deposit for individuals. Nevertheless the committee negotiated with the City Hall for a reasonable tariff per cubic metre of water. Even though the

35 Survey in July 2000 and June 2002, by Caroline Shisubili, Michael Murithi and Olita, from the NGO "Maji na Ufanisi", from field visits.

kiosks are registered as private connections, the WSD authorised a billing system based on commercial tariffs. The tariffs invoiced to the community remain in the volumetric bracket (0–10m³) whatever the consumption. This success with the WSD could be explained by the fact that the committee structured itself and had a statute. It is the committee itself that carried out the infrastructural development plans and decided on the location of water points. The cost of infrastructural development being high and the group unable to fund it, they had to request for financial assistance from Maji na Ufanisi. The community contributed 10% of the total cost of construction i.e. Ksh 1.2 million then it participated directly in the construction work by building trenches. Maji na Ufanisi provided the remaining 90% of the funds as grants. WSD personnel carried out the connection to the main pipe and invoiced the committee afterwards. The water meter is placed as near as possible to the main pipe so that the client takes responsibility for the slightest leakage on the secondary network up to the water point. Nevertheless, the WSD reserves the right to use this secondary pipe to connect other consumers. In this case, the meter is placed just after the second connection. The committee is responsible for any necessary repair on the pipe leading from the meter to the water. Access to water benefits all the residents of the neighbourhood not taking into consideration their initial contribution and all the residents are subjected to the same tariff. The payments are made at the tap and the hydrant man who is chosen by the committee and is paid a salary of Ksh 1500 per month collects the money. The water point opens between 6am and 7am in the morning and closes at 8 pm in the evening.

The *Ushirika* community, the community for the residents of Laini Saba is made up of several sectoral committees: a section in charge of water cleaning, toilets, mothers and their children as well as a land problem committee. Each committee is composed of eight members and is headed by a governing council. The community is registered as a self-help group and has a bank account and a statute that provides for democratic election of its members. Through the money collected the committee was able to put up four extra water tanks. Water availability is not always assured and during the water shortage period the lines at the tap are long. On the contrary, during normal services, water pressure is sufficient and this is due to the tanks. The success of this project was revealed in 1998 while a serious cholera crisis developed in Nairobi's informal settlements. Laini Saba estate never suffered a single death. The objectives of the community and the NGO were therefore achieved. Not only was the quantity of water supplied higher than previously, but the price was also reduced. The Laini Saba residents have managed to structure themselves through community organisations and to make their voices heard by the authorities. This has equally allowed them to bring out a democratic and representative

structure at estate level³⁶. What we are seeing today is maybe a new form of community cooperation. The fact the CBO have extended their actions in other domains is well illustrated by the catalytic role played by water. Despite all this, several thorny issues remain: the committee members were involved in embezzlement of funds and despite judicial action this money was never recovered. The long-term viability of the project is also questionable. The community has no plan to spread the network to the already existing water point. The community prefers to invest the profits made in land. The community kiosk system is far from realizing the space equity within Kibera. One of the people interviewed during my research declared:

One of the Ushirika water points, just next to my house was closed, the leaders had agreed on the location of this water point but after six months they decided to close it because it was not generating enough profit to pay the hydrant man. They had been paying him from the money made from other water points.

To this end, only profit making water points were retained without any space equalisation between kiosks. When a water point cannot even pay the hydrant man, it is shut down. For the first six months, the hydrant man of the kiosk had been getting his salary thanks to the profits made by other water selling points. Therefore, there existed a geographic equalisation between the zones under water provision service with the aim of maintaining an equitable geographical cover for the provision of services between different zones of the estate. Unfortunately, the economic logic overcame the social logic and the kiosk was closed after six months to the detriment of spatial equity among the users.

It is still to be determined which modes of regulation have been put in place in case there is a conflict, and verification of the process is needed to ensure that decision-making is really democratic. Different committees and in particular water committees which supervise an income generating activity, also represent a major stake of power for its leaders. At last in a more general way concerning this type of project, we note that it is only through the intervention of an outside donor that the project was able to be completed since the community itself did not have the necessary resources for the initial connection. The role of public authorities was extremely limited and it had only to concentrate on setting up preferential rates. Nevertheless this favour was only obtained through negotiations. City Hall has not formulated clear measures on the water provision policy in the informal poor settlements. Isolated people who are poor do not have a collective means of expression and thus they can neither take part nor benefit from such projects. The case of Kibera is quite specific as the residents

36 It is however, difficult to say that the elections of representative members are of a democratic nature. It is certain that this responsibility represents power for the elders who have access to the money received.

are used to expressing their dissatisfaction in a collective manner. This is rare in other poor neighbourhoods of Nairobi. This case shows the non-commitment on the part of the State for providing water to poor estates. Kenyan authorities are supported by international donors in order to bring about a real water provision policy for the informal settlements and bring about major reforms in the entire water sector.

BEYOND FRAGMENTATION, THE IMPACT ON THE POOR CITY DWELLERS

The proposed alternative solutions for water provisions in the poor estates through the new water policy in Kenya leave a lot to be desired. They result in a technical fragmentation in the case where the micro network connected to the municipal network has to be maintained by the community in charge. This fragmentation is limited, contrary to other cases (especially in Tanzania and in Zambia,³⁷ or in some certain rich residential ghettos of Nairobi) where certain micro networks are supplemented by independent boreholes. The committee has the responsibility of collecting money paid by the client's networks and has to attain management autonomy for the micro-networks but the preferential tariffs for community kiosks (when there is negotiation with City Hall) allows it to sustain the equalisation between the categories of consumers to the benefit of poor consumers. However, the negotiated price per cubic metre remains higher for the tariff paid by the subscribers with private connections.

In this manner, the inequalities continue to benefit the middle class who have the means to invest in initial connection. The community systems only allow a partial solution to this inequality. It is difficult to count on the well-founded recommendations of the donors in terms of water provision in the poor estates if we base our arguments on this 'macro analysis'. It is for this reason that I carried out research amongst the Laini Saba households, one of the villages of Kibera where the NGO *Maji na Ufanisi* operates. The objectives of this survey were to establish if the management by the community groups had made any improvement.

About 50 households were interviewed. Statistical representation norms were applied and quality information was obtained giving very useful information on the situation.

37 My ongoing thesis, at the Université Paris I under the supervision of S. Jaglin, covers two other countries. For Zambia, refer to: Bousquet, A. 'Desserte collective des quartiers pauvres en Zambie, un long apprentissage', in FLUX N° 56–57, Network services, services without network in the towns found in the south, April–September 2004, p. 71–86.

Numerous private water kiosks dominate the water market while consumption remains very limited

Only 6% of surveyed households have their own water connection. Much more than poverty, it is first and foremost the land status (renting), which is a hindrance to water connection. None of the surveyed households get their supply from other sources such as traditional wells or streams. The streams, which are found in the open air, and the wells (very few), have little by little been abandoned with the increased density of population in the estate. Rainwater collection has not been an alternative. The state of roofing materials (corrugated iron sheets, often rusted) and the fact that it is dirty (due to the contents of the flying toilets which frequently land on them) do not permit this. All the water consumed has to be bought (this not being the case in Lusaka or Dar es Salaam for instance). It is surprising to note that it is the private kiosks that supply water to three quarters of the resident population (73.5%) while a third of the surveyed households (24.5%) get their supply from community kiosks. The reality contradicts the official statements on the situation of water shortages in the poor estates that are only based on the community kiosks. This problem has been compounded by the NGOs, who have turned it into a commercial activity, since they play a direct role in the communal water trade and by the same virtue solicit donors to help launch projects. Wouldn't it be therefore more efficient to pay a little bit more attention to the water vendors?

Consumption of clean water varies from 7 to 120 litres per person per day with an average of 28 litres. This average consumption is quite limited, but is in conformity with the consumption of water in poor neighborhoods in Africa. This consumption is technically limited due to the fact that these neighborhoods do not have access to toilets or bathrooms connected to a water network. In fact, it is often limited to a specific minimum that is often strict. Nevertheless, for the subscribers, the average consumption is high (31 litres): probably the low cost of water may be the main factor for this high consumption.

Depending on the type of supply, the cost of water is a determining factor in household consumption. Analysis of water supply in the slums can neither be restricted to simple source types nor the quantities consumed. The quality of service is equally important. Half of the households are 30 metres away from a municipal network water point. On the contrary, the waiting time varies greatly, from several minutes when the water pressure is good, to one or more hours when there is a water shortage. Three main NCC pipes, which dry up, feed the water points alternately. Therefore, when a section of kiosks miss water, the demand is piled upon those that still have some, or who own a reservoir. These problems seem quite frequent. Several people expressed concern about the scandalous price charged for the 'express service', which

allows one to skip the queue on payment of between Ksh 10 to 20 for a 20-litre jerrycan. Those who have recourse to this service are mostly labourers who have to get up very early in the morning to go on foot to the industrial area, several kilometres away. A phenomenon of 'by-passing' or differentiation of the service norm is manifested here. Lastly, the water supplied is not of good quality. 69% of households boil several litres of water for drinking and cooking purposes, which in turn inflates the cost. Average consumption of boiled water per household is 65 litres per month. The average additional cost is Ksh 194.

The standards of service are relatively mediocre but this could be compensated by an equally low cost. It is an article of faith with donors who espouse a differentiation of service standards depending on the financial capability of consumers. What happened to it?

The budget allocated to water is limited but still weighs heavily upon poor households

The average income of surveyed households is Ksh 13,602, which translates to 158 euros. Households spend on average Ksh 10,700 (124 euros). According to the poverty line defined by the World Bank these households fall within the poor population, living on about 1 dollar a day. The water budget represents about 4% of the total household expenditure. If these results were to be relied upon, we would conclude that the water cost is socially bearable, given that it represents less than 5% of the household income (limit put in place by the donors). Nevertheless, this observation remains to be judged. There is a great difference between those connected to a water network and those who are not, in terms of water cost in the heart of the slums. As shown in the table below, the percentage of water expenditure compared to the income varies a lot.

TABLE 7: COMPARISON BETWEEN CONNECTED
AND NON-CONNECTED HOUSEHOLDS

	Households benefiting from private connection*	Non-connected Households in the private connections**
Monthly average ratio water expenditure/ income	1.9%	6.4%
Monthly average ratio water expenditure/total expenditures	1.8%	4.3%
Monthly average water expenditure	Ksh 192 (about 2.20 euros)	Ksh 458 (about 5.30 euros)

* Only 3 households were benefiting from water connections.

** Households get their water either from the private kiosks or community kiosks.

The connected household water expenditure is twice as cheap (three times in relation to their income) as that of non-connected households. This can be linked to two factors. In general, the connected households are either proprietors of their house, or they rent it and in addition to this they sell water, a rather lucrative trade. These are therefore relatively well-off households. With this first imbalance, it has to be emphasized that it costs them less for 1m³ of water. If, in each individual case, it may appear that water expenditure for non-connected households is acceptable, does this argument still stand when the situation of the non-connected households is compared to the connected, well-off households?

In general, total expenditure is directly proportional to income—the more the income, the more the expenditure. But this theory does not hold for the poor slum dwellers who find themselves in virtual bankruptcy situations. For a good number of households, expenditure outstrips income, a fact that underlines the precariousness of the poor, for whom survival remains a daily predicament. Purchase of water contributes to the inflation of their budget. The water expenditure is not proportional to their income while the income of the majority of these people ranges from between Ksh 5000–15,000 (the tendency is the same for the total expenditure). Water expenditure stagnates at between Ksh 100 and 500 per month. Water consumption is mechanically limited by the living conditions of the slum households, notably due to the infrastructure deficiencies. A relatively well-off household has therefore a consumption limited to its basic needs. Consumption of non-drinking water is therefore not adjustable to household incomes. Proportionally, water expenditure, as a result, weighs heavily upon poor households, which explains the inability to pay.

Between “untangling” and shortage strategies: payment difficulties deepen daily

The qualitative survey of households on the issue of water buying methods helps to broaden the focus on these problems. The answers obtained are shown in the table below:

TABLE 8: WATER PURCHASING

	Number of responses	%*
Current accepted tariff	11	24
Proposed tariff 1 Ksh	20	43.5
Daily water expenses	45	98
Savings per month	0	0
Random Savings	1	2
Water payment difficulties	30	65
Priority during water purchase	17	37
Balance after morning purchases	25	54.5

* Households with private connections were not taken into account.

As a whole, tariffs imposed by kiosks are not considered acceptable and thus the private kiosk consumers would like these kiosks to charge the same tariffs as community kiosks. Unfortunately, the opposite takes place. This could explain why some of them (43.5%) would like to benefit from the Ksh 1 tariff. It is important to note that this was the tariff the community organisations had planned to put in practice, and the one also recommended by the WSD. The private kiosk consumers who pay Ksh 2 are more satisfied by the tariff than the others. Almost all households have no savings or budgetary allocation for water purchasing. The money comes from daily incomes, either from the mother's commercial activity (if she has one) or from the money given on a daily basis by the husband for housekeeping. The mother decides to either buy water first (this often being the first purchase of the day, for preparation of tea and for washing) or she purchases all the daily needs and uses the remaining money to purchase water. It is the same case with women who pay for their water from their own income-generating activities. They first buy what they need for their trade (vegetables, flour for preparation of doughnuts or charcoal dust for briquettes). If some money is left over, they buy water. If not, they wait until they have sold some of their products. These micro-purchasing practices can be explained by the living conditions of the informal settlements. The majority does not have a steady salary income and have to survive through small jobs or small deals such as the sale of ready made meals, vegetables etc. There is no fixed steady income and the money earned from day to day is in small amounts. This makes it impossible to subscribe to a WSD connection, which would require payment monthly or bi-monthly. After all, this is not considerable given that the majority of residents are tenants. Payment difficulties are quite frequent. Unexpected expenditures such as sickness, death or purchase of school stationery etc (6.5%) are, nevertheless, barely to blame. This is a daily problem. Among the 37% of the people interviewed, water is a priority, it is the first purchase made in the morning (mainly for washing and for preparing tea). However, others buy water in the evening with the money that remains. This no doubt explains the water payment difficulties and the necessity to sometimes control consumption. The table below details these difficulties:

TABLE 9: FREQUENCY OF DIFFICULTY IN WATER PAYMENT AND WATER SHORTAGE PRACTICES

	Number of responses	%*
Regular	12	40
From time to time	13	43
Rarely	5	17
Reduction in consumption	8	27
Borrowing from the neighbour	13	43.5
Credit from the hydrant man	16	53.5
Extra sources of income	1	3

* The percentage is calculated on the 30 households who have had difficulty in paying for water. The total can exceed 100% because several responses were given.

When one does not have the money necessary for water purchase, the most common practice is to ask for credit from the vendors (easily obtainable from private kiosks when one is a faithful client); which is payable within several days. Another frequent practice involves borrowing a little money from the neighbour, with a quick repayment deadline too. This is a show of solidarity, which sometimes binds these slum dwellers. However, according to the scale of the urban society, this is a solidarity that is limited within a perimeter of an unprivileged minority. It also seems that due to these problems, households are forced to reduce their consumption, for instance by using bathing water for washing the house or the toilets. Nevertheless, this remains marginal (the usual consumption already being minimal).

Violent water-linked conflicts with no regulation from public authorities

The most often mentioned conflict concerns the resale price practiced by the private vendors, often perceived to be too high especially during shortage periods. This is in comparison with prices practiced by *Ushirika wa Usafi* which is considered to be socially fairer. The issue of the resale price is a major concern and creates discontent among the vendors of the private sector and those of the *Ushirika wa Usafi* and other community groups. One of the persons surveyed declared:

There is a dispute between *Ushirika wa Usafi* and the private vendors. The tariffs practiced by UwU are constant while the private vendors are out to make a quick buck. When the water project was launched, UwU was selling water at Ksh 1 per 20 litres but the private vendors said, "If UwU does not increase its prices, we shall not hesitate to destroy their reservoirs." The private vendors know each other and thus they discuss together the price to quote.

The operating regulation is not only a regulation but rather a force fuelled by violence. Youth gangs on the payroll (in the literal sense of the word) of political parties declare themselves arbitrators and bring out a political factor that could harm a real regulation founded on neutrality. The line between political and mafia-like activity of these youth gangs often fluctuates and so a bribe will always suffice for a greedy vendor to escape physical assault. Even though the vendor may not revert to the previous tariff, neither will he persevere with prices perceived as too high by the residents. This is how water cartels operate. There is a clash of three forces in the water trade: vendor cartels, youth gangs paid by political parties and community groups supported by NGOs. The official institutions that could regulate the water trade, the WSD and the local authorities (the chief and the law courts) are conspicuously silent due to their absence or their inefficiency. The WSD employees who are supposed to inspect these vendors never take action. More so, the sale of water at tariffs higher than Ksh 1 for every 20 litres does not amount to a crime. The indulgence of the local authorities is creating unrest due to their impartiality and their incompatibility. The voluntary destruction of private infrastructure, and above all the degradation of the community appear as a second source of conflict. In the case of conflicts, the youth gangs of the neighbourhood bring the accused person before the Kibera Chief or before a court, which in turn creates the fifth source of conflict, leading to the culprit remaining unpunished. This leads to the conclusion that the official existing regulation structures, even though not designed for that purpose, are inefficient. Sometimes violent confrontations break out when WSD employees come to disconnect the water supply of payment defaulters. According to other sources, these employees are increasingly reluctant

to read meters in the informal settlements for fear of hostile reactions. Whenever they move about they only do so in groups of five. This brings into focus the deterioration of relations between the consumers and the representatives of the WSD and their lack of legitimacy in the eyes of the residents of this neighbourhood.

It is also important to note that corruption, which is a solution to the disconnection problem, tarnishes the image of an institution that already gives a service that is perceived to be of a mediocre nature. The existence of conflicts in the very heart of the community organisation *Ushirika wa Usafi* and within the water community have been mentioned very few times. This is surprising considering the number of people surveyed who happen to be members of these organisations, which may suggest that there are in fact very few conflicts, or that the internal functioning of the organisation lacks transparency. All the same it is interesting to note that any such conflicts were above all linked to money embezzlement, either by the water vendors themselves or by the committee members, which shows that commercial community management cannot run without problems. Provision of mediocre services is also cited as a source of conflict. Waiting in the queues fuels the disputes that break out between clients. These disputes only compound the water problems affecting the slum dwellers.

CONCLUSION

The thesis of urban fragmentation by network defended by S. Graham and S. Marvin,³⁸ are anchored on the theory of a “golden age”, the realisation of the process of generalization of network services and access to the same in equitable and equal conditions. If this theory seems to correspond to the reality in developed countries,³⁹ it is much more contested in sub-Saharan Africa.⁴⁰ In order to come up with a meaningful fragmentation process, there is need for integration momentum and urban cohesion. As I have just shown, the distribution of water services has never been achieved in Nairobi. Only the elite and the middle class have benefited from mechanisms and redistribution services put in place by the State in the water sector. If the redistribution is able to ‘drip’ down to the lower classes due to neighbourhood solidarity (water given freely by connected neighbours), the informal settlement dwellers still remain at the mercy of market forces. It is true that operators of private kiosks improve the spatial equity of the water provision service to the town by taking water to the neighbourhoods abandoned by the authorities. But what a price to pay!

38 Graham, S., and Marvin, S. *Splintering Urbanism, networked infrastructures, technological mobilities and the urban condition*, London and New York Routledge, 2001.

39 For an analysis of the distribution of services on the network refer: Stoffaes, C. op. cit.

40 For a perspective on the hypothesis of Graham and Marvin concerning sub-Saharan Africa, cf. Jaglin, S., *Réseaux et fragmentation urbaine. Services d'eau en Afrique Subsaharienne. Habilitation à Diriger les Recherches*, Université Paris 8/LATTS, February 2004.

In the kiosks, the water bill weighs down heavily on the poor households, and yet it appears this is the system the authorities want to develop within the framework of the new water policy. Due to lack of effective regulation on the part of the authorities, community kiosks, seen as an alternative, cannot compete against private kiosks in order to reduce the cost of water for all. As in many other fields, the integrity of public authorities is put to task. Public pressure groups need to implement this mission. Do different socio-economic groups of Nairobi really want to participate in society building? We must not overlook the fact that the Kenya government is facing pressure from donors to privatize its water service. According to the feasibility studies effected as demanded by the World Bank, the WSD can only appeal to the big water companies through fulfillment of two conditions: a considerable economic revival, and the rehabilitation of its water networks. If the latter condition is dependent on the loans that the Bank has agreed to grant (in this regard the Tanzanian experience is a shining example), the first condition is dependent on the Kenyan authorities themselves. The management of the WSD can “easily” improve its profitability by dividing the service perimeters and by thus separating the rich neighbourhoods (Karen and Langata) from abandoned poor neighbourhoods as desired by the donor community and the NGOs. If this vision is made a reality, the clean water sector will become a supplementary factor of urban fragmentation.

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Newspapers

Daily Nation, 6/11/2003

Grey Nairobi

Sketches of Urban Socialities

Danielle DE LAME

That Nairobi feels grey does not make it dull.¹ The jacaranda flowers attract your eye not as colourful sprigs, but as mauve mists passing away like shadows. Whether sunny or not, the town feels stifled, shrunk unto itself. Noise reaches you through a muffling veil of waving dust. With their windows closed, cars twist their way through traffic and crowd. Passers-by go their way decidedly, with steps fast and firm. No onlookers linger, only beggars and street kids stop. Some are seated as they have nothing to lose. Others, sharp eyed, have something to gain. The person who cannot afford the clean, cool and safe bubble of a 4-wheel drive connects his familiar landmarks with a necessarily determined step, secluding himself under a space craft of extended aerials, while remaining alert and ready, yet seemingly detached.

Ears are the discreet assistants of a choice between sounds that one should ignore and those that should be recognised. Warmly wrapped up in greyness, each person, concealed under clothes that are ostensibly casual, blends in with the crowd. In the heart of “*Nai-robbery*”,² all senses are awake and the body is adorned in neither leather nor jewels. Yet you might enjoy the pleasant surprise of a banal exchange with a stranger waiting, like you, for the traffic lights to change. This would be a brief infringement on the ethics of ‘being smooth’, which Kenyans themselves are ready to teach you. Security? First, do not get hooked, do not lay yourself open. Then react quickly—leave, or let loose—with cheek, humour or kindness, but in any case without weakness or qualms.

The pavements, more grey than the cotton soil that oozes from the lawns of Uhuru Park, serve as stalls for newspapers. On the pavements you have all the colours of the town, those of luxury and power, colours of violence, of traffic accidents, nightmarish and without remedy, colours of links with the world. The newspapers show the underlying feelings of insecurity, the edginess that makes you ready to parry. They report the activities and speeches

1 F. Grignon often reminds me of our first discussions on Nairobi: my impression of greyness is like his. Grignon, F., “Les pierrots du bidonville. Peintres de matatu à Nairobi”, *Autrepart*, n°1, 1997, pp. 151–160.

2 This is what people from everywhere in Kenya call the capital.

of the people in power whose voices and sometimes arrogance are forcefully heard, similar to exchanges BBC listeners have already heard in the broadcasts of Parliament. Here you have the British style Made in Kenya. The mix is less ironic, overdone with political scandal. The bitter post-colonial composition can be appreciated—depending on the residential area and the time of day—with the aromas of coffee and tea, the whiff of khat, of glue or of alcohol, but without pleasure.

I touched down in Nairobi loaded with advice. Be sparingly dressed: better safe than sorry. Avoid, at all costs, the slum areas and in particular all areas of Mathare Valley, Uhuru Park, Eastleigh, some areas in Eastlands, especially Majengo ... and no matter what, do not go out at night alone and be wary at all times. Therefore, before exploring in depth my adaptability, I drove around, guided by a die-hard Nairobi-born, who was proud of his status. We went between and across most neighbourhoods, by way of getting to know the lay of the town... and I tried to find the cheerful Africa of the brochures and to get a feel of the slogan of the 'Green city in the sun'.³

To the explorer who roams among the neighbourhoods, Nairobi sends out the vibe of age-old bric-a-brac which neither the 'Bangkok style' skyscrapers, to use a local expression, nor the flashiness of the Indian business centres can delete. The geological chaos of the site⁴ swallowed the foundations of a heterogeneous society, a society, right from its beginning, tuned to the interests of a class imbued with its own innate superiority. The new elite was to take up these privileges and adjust them to international codes of consumption and propriety in the post-colonial context. This 'Far West' style of urbanism bristles with all sorts of savage associations and bears the scars of a brutal segregation according to race, gender and wealth. It is estimated that between 1.5 to 2 million Nairobi dwellers squat in winding quagmires that were left them when the town was formed. These, currently crowded "no man's lands" were meant to create health cordons between segregated white and Indian areas. On the pavements of the administrative and business centre, the most impoverished of the dropouts add their lingering odour to that of the sludge emitted by the cracks in the tarmac.

In moving about, sometimes on foot, sometimes in taxis rattling around their disembowelled seats, sometimes even squashed in the deafening *matatu*⁵, occasionally accompanied by a 'bodyguard' initiated to my wanderings, I slowly constructed an image of a mosaic of social ties whose synthesis gives the town its unique, attractive, impetuous, flavour. My stroll was unusual as I was moving around for the sake of knowledge alone. It was also, in a way,

3 This was, until recently, the cliché attached to Nairobi.

4 See 'Geology for Sustainable Development', 1997–1998, Tervuren: Musée royal de l'Afrique centrale.

5 *Matatu* are the minibus in which a maximum of people pile, for a small cost, which was originally three shillings (in Kiswahili). This is the origin of the current name of the vehicles. The 'conductors', locally referred to as *touts*, yell out the name of the destination to round up as many passengers as possible and to maximise profits. The mind-blowing music escaping from the windows also has a power of attraction.

similar to the moves of the majority of people in town as, more often than not, city dwellers move between familiar or protected islands: places of work, homes of friends, shopping malls and supermarkets, home. Each person can concoct and gulp down the cocktail of his own wanderings—a personal Nairobi. The analogy of these trajectories incarnates identities as impalpable from the outside as the lost pedestrian in a moving crowd can be.

The norms specific to each community modulate the circulation. This differs according to standing, of course, but also according to gender and age. Among the Indians, ladies travel from one salon to the next or accompany their children to recreation centres, while business leads their husbands into the commercial centres of the seedy African areas. As for the Africans, they mix, very few élite, with the expatriates of the chic estates, where they affirm their average promotion in residential zones that they share with Indians, or finally proliferate, in the former no man's lands turned slum, from where they re-emerge in the cold early morning to walk for one or two hours, en route—what great luck!—to their employer.

The links between the residential areas seem to be hidden in a concern of good taste still in tune with an internalised colonial order. Nevertheless, under the cloak or under the table, informal transactions of all kinds produce connivance and transitive identities. No one, or almost no one, is 'from Nairobi', very few can say that they like the place, but 'everyone who counts' has his business there. Each 'return to the country' is a throwback to old England, in imitation of its pioneers. Each 'return to the country' bears witness to the diaspora success of the Indian community. Each 'return to the country', in the crowded buses driven by drunken drivers brings travellers expected to be generous to the hills and to the savannahs, and conveys the aura of Nairobi to those upcountry, a roulette for all chances.

NAIROBI: PLACE OF COOL WATERS AND "HEALTH" SEGREGATION

"If some sites seem to be created for grandeur, others are founded in the mould of an imposed grandeur. The grandeur imposed at the site of Nairobi owes much to the layout of the railway line joining the coast to Uganda."

Nairobi still gives out the imposed grandeur of an empire. To the Kikuyu and Maasai who met in the open, *Enkare Nairobi* simply meant 'fresh water', indicating an ordinary river, waterspouts gurgling on rocks between marshes and wooded foothills. When a town neither fits in on a grandiose site nor on a mythical past, or not even on a long history, imagination portends its future. It is often the brutality of human settlement that creates a future in which a complete rupture is the only remedy to endless conquest and battle for space. Nairobi was first mentioned in 1885, but then as an area. The Maasai and the

Kikuyu traded there with the Swahili caravans coming from the coast, then with those from the Imperial British East African Company. These caravans passed through Ngong, not far from Nairobi. Dagoretti thus became a major caravan stage. Fort Smith, which was established in the northwest of the current town in 1892, became one of the few supply points.⁶ As emphasised by Muchoki, “*the policy of conquest was basically centred on protection of this commercial network*”⁷. It is according to this network that friends and enemies were defined, it is among them that militias were raised, one against the other, and that positions of power were created in the previously non-centralised Kenyan society. Insurrections and wars were the means to free the land and to restrict populations in the reserves.⁸ The railway, whose construction got underway in Mombasa four years later, and on which 30,000 Indians⁹ worked, followed this caravan route. When the Uganda Railway reached mile 327 in 1899, the chief engineer chose this site described as “*a swampy and saturated countryside, devoid of human occupation, the domain of several animals of all species*” and together with his engineers, settled in this “*desolate but invigorating*” place.¹⁰ Railway workshops were the first buildings in Nairobi, built on a height described as “*the best spaced out place in the town.*” This place soon came to be known as Railway Hill, or simply, ‘the Hill’¹¹. Nairobi retained for a long time and in some aspects, today still retains the temporary nature of the caravan stage where segregation stood for urbanism. In 1900, 18 km² around Enkare Nairobi were designated as town on land said to have no owner. Two years later, the British government declared Kenya to be a settler colony. The first permanent building is a private house close to the current Ambassador Hotel.

So, year by year Nairobi spread, at first a sprawl of wooden bungalows with corrugated iron roofs, and shacks made of old paraffin tins. Asian traders established a bazaar. Kikuyu women brought in produce and a market sprang up. In 1902 bubonic plague broke out and the Principal Medical Officer had the whole place burnt down. The shanty town sprang up again and continued to grow higgledy-piggledy, flooded in the rainy season and dust enshrouded in the dry.¹²

6 An estate in Dagoretti, currently being rehabilitated, testifies to the caravan origins of the place where suppliers and “gentlemen farmers” lived, grouping together warehouses, suppliers of agricultural produce, an equestrian society, a polo club and a dairy.

7 Muchoki F., ‘La période coloniale (1890–1940)’ in Grignon F., Prunier G., *Le Kenya contemporain*, Paris, Karthala, 1998, p. 78.

8 For a synthetic perception of the colonisation process, see Muchoki, F. op.cit.

9 The majority among them returned to their country, 2 % dying in the course of their work.

10 Huxley, E., Curtis, A. (eds.), *Pioneers’ Scrapbook. Reminiscences of Kenya 1890 to 1968*, London, Evans Brothers Ltd, 1998 [1980], p. 15.

11 There are still lovely villas to be found there as well as the Fairview Hotel. It is easy to see why this overhanging place became the centre of the town, at a time when high administrative blocks blocked neither the view nor the breeze.

12 Huxley, E. and Curtis, A. op cit. p. 15

Hemmed in in the centre, islands of houses built with dry earth and covered in straw housed Kikuyu women. Porters from the coast or the Congo infiltrated these areas. This place was called n’Gambo, before taking the names of Mombasa and Pangani.¹³

Administration and commercial needs, along with the social needs of the Europeans, fostered the growth of the urban centre that also became the location for clubs and women’s charities. It attracted Africans, whose presence soon became restricted while the centre of the town was the main rallying point for settlers living in the vicinity, and especially for those who owned nearby farms around which villages were gradually formed. A century later, these contributed to the growth of the towns—Muthaiga, Kabete, Spring Valley, Roslynn—or villages, such as Kileleshwa, that were demolished due to speculation. The needs of the peripatetic engineers, administrators and other civil servants, along with those of farmers when coming to town, contributed to the development of Nairobi. Settlement of Africans was strictly regulated and the racial prejudices of the British exacerbated the tensions between their different factions. Discrimination by the British fuelled animosity between Muslims of coastal origin and the new converts who found in Islam a means to ‘de-tribalise’ and to leave the reserves and indigenous residential areas (Native locations) where they would have been restricted were it not for their conversion. “*In 1905, the Norfolk Hotel was under construction and one Mrs Elliott had a tiny tea house where she sold home-made cakes and bread*”.¹⁴

This enterprise was made possible thanks to the production of cream and high quality butter on the 5000 acres of land acquired from ‘the government’ by Mr Sandbach, in Muthaiga in 1901.¹⁵ In 1915, if the postcards are to be believed, the style had barely changed in comparison with a 1905 description. It was that of the Far West: wide-brimmed hats, large skirts, holstered revolvers. Arrogance reinforced the appearance of order dictated by the Town Council. A meeting of the Town Council determined that the roads in the commercial district would be called streets, those in the hilly area would be avenues, those in Parklands would be drives and those in the Asian residential areas would simply be called roads. “*Oil lamps were the earliest form of street lighting. There was often a public outcry when they were shot out with a revolver by a marksman in a passing rickshaw*”.¹⁶

Whose indignation is this quotation alluding to? What might the feelings of the rickshaw pullers be? Where would they find rest after having returned their satisfied masters to their destinations, masters pleased with having hit their target despite the canter of their human horse?

13 Ibid.

14 Huxley, E., Curtis, A., (eds.), op. cit., p. 15.

15 Anderson, J., Moore, F., Davies, J., Crosskill, J. (eds.), 1993 [1962], op. cit., p. 22.

16 Huxley, E., Curtis, A. (eds.), op.cit., p. 16.

Different traits of an imperial mentality in this colony peopled by settlers of aristocratic blood—or pretence—were to mark the local culture for a long time. A jumble of sheds marked the steps between the coast and Uganda, the acclaimed “pearl of Africa”. Nairobi was established as a capital on the foundation of pragmatic arguments concerning commercial priorities of the colonial power. Today it still throbs with their pragmatism, nonetheless oriented towards diverse stakes of globalisation. The ‘grandeur’ registered the colour of the inhabitants in the comparative salubriousness of the different zones of the town and in the unequal capabilities of having their land rights taken into account. This ‘grandeur’ generated a consensus of belonging to the empire, a feeling town dwellers shared with pride. Nairobi residents carved a modern identity for themselves out of a post-colonial complicity with the imposed order. In Nairobi, they share in this grandeur beyond which it was only ‘savagery’. Segregation has multiplied the criteria and nuances out of which identities were forged and keep evolving. One of the most rigid classifications is anchored in the daily practice of administrative labelling. Ethno-regional identities endure and are part of daily life. To some people, the town very early on also seemed to be a liberator, especially for some fractions of the population that came up against the authoritarianism of the elders. In a country where women were oppressed by customs favourable to men,¹⁷ many women left their rural homes before the 1930s, and a large number of them were the starters of an urban petite bourgeoisie mainly through the profits of prostitution.

Faced with racism, the desire to improve one’s life mixes sometimes with a desire for revenge. In rural areas, the land issue,¹⁸ produced a rural proletariat and was among the causes of migration to the towns. Churches offered a teaching that was biased towards men for professions of all kinds, and to the most useful jobs in the colonial context. They offered Kenyans a more open thread of social promotion than the protectionist Indian networks. Construction work, followed by commercial enterprise, offered employment quite early on. A pragmatism rooted in the strong conviction of a white superiority and of a prosperous business on one hand, in the conviction of a possibility of promotion to a white school, on the other, gradually gave Nairobi its shape. Converging motives, defensive toughness, and all the intermediary transactions over land are still part of the racial occupation of the residential

17 This seems to be the most appropriate word to easily qualify the effects of succession systems which did not give women any rights to inheritance—they are part of inheritable goods. Note that colonial laws, and the current laws, conserve their efficacy to customary law and preserve judicial authority of the elders. This allows the situation to persist in Kenyan rural areas, despite all the reforms and conditions. The most spectacular were pinned together by the urban press, justifying voluntary actions that were worthy of praise, also keeping a debate going among the urban élite on the place of traditions (relegated to the countryside?) in the current national identity (Sunday Standard, 31/10/1999).

18 The most ambiguous aspect of the land situation is the situation of the African peasants in the regions coveted by the White colonialists. Declared property of the crown, the land was offered for sale. The Africans became squatters, inhabitants tolerated in exchange for services to the new land owners. The profits of the sale went to the colonial powers.

areas. The missionary romanticism and the proselytising of sometimes obscure churches have preserved the authoritarian, austere and hierarchical overtones of the administrative and commercial options of the colonial period. Some revolts, of which the most famous is the Mau Mau movement and more recently the descending on the town by the excluded in 1982, did not change the basic options which still mark the Nairobi mentality, as well as that of Kenya.¹⁹ Recently established churches follow political trends and attest, for example, by their formation and their splendour, the preferred faiths of the Head of State who considers himself the 'keeper' of the nation's moral principles.²⁰ Finally, Nairobi took over the Anglo-Saxon models of associations that could accommodate age sets and tribal organisations. This associative propensity, which was the driving force of nationalist movements and which also lies at the core of Indian and European networks, is being kept alive despite a globalising tide. In a most interesting manner, this associative heritage adjusts itself differently according to social background and trajectories. In 1996, more than 25,000 associations were officially registered, which testifies to several aspects of Kenyan social life, notably colonial traditions and the taste for formality that is a part of it, but also to their capacity to adapt to the ways and trends of the market of donors agencies, and in particular, women's associations. Approaching the different parts of Nairobi, as distinct as they were by way of association, life reveals the multiple framework of urban networking that unites this apparently disorderly space to the rural areas, often more efficiently than the fissured administrative routes.

Nairobi is often described as a town where all extremes live side by side but barely meet. Administrative divisions split the town following a radius from the centre and in any of these divisions one finds rich areas, middle class neighbourhoods and slums. A specific trait in this distribution, according to estimates, is that more than a half, possibly two thirds of the population of Nairobi lives in the slums, some of which are among the most sordid in the whole of Africa. These residential subdivisions are a heritage of colonial segregation, separating the areas reserved for African populations, creating sanitising zones between White and Black areas while also reducing the presence of Africans in town to the necessities of 'service', greatly limiting access to land ownership without being able to avoid the services of prostitutes and fruit and vegetable sellers. The policy of racial segregation, coupled with the British and Kenyan views on gender relations, and seasoned with the Indian hierarchies of caste, resulted in the early creation of black residential areas dominated by women. Single parent homes headed by a woman still dominate in slum areas,²¹ and a distinct link between wealth,

19 See Grignon, F., Prunier, G., op. cit.

20 See, for example, the contradictory positions taken by President Daniel arap Moi in the Daily Nation, 30/11/1999, on the use of condoms.

21 For a global perspective of the impact of these kinds of relationships and of their management on the social and spatial history of Nairobi, see N. Nelson, 'Gendering Nairobi's Space', in Grignon, F., Maupeu, H. (eds.), *L'Afrique orientale. Annuaire 2000*, Paris, l'Harmattan, 2000, pp. 269–323.

ethnicity (and race) is still obvious in living conditions. Between the un-named apartheid zones, the spaces were in the course of time built up: they were occupied by the middle class Indians and Africans. In the shantytowns, land tenure is insecure, and no sanitary or other conveniences can be provided as the authorisation of any infrastructure would be a means of legalising the habitation of the land. The general insecurity is the heritage of this segregationist approach that makes any kind of speculation possible for the new élite if needed at the cost of driving off families that had sometimes lived in their makeshift shelters for two generations. Nairobi remains the 'basic crux of the spatial organisation of the country', which also makes it, due to its economic primacy, functionally, demographically and politically, a typical capital of a third world country. However, for observers, this town is beyond comparison with any other known African city.²²

The inequalities and contrasts produced by the changes in business and the modes of consumption of this century become a reality in the town's concrete and mud structures. Not all of it can be either grasped or described. My option was, in an attempt to cover as many aspects as possible, to investigate the town following a south-east/north-west cross-section. The contrasts and consistencies will be analysed under the paradigm of a logic of segregation as they appear.

KAREN AND LANGATA: GARDENS AND SUBURBS

The enthusiasts of *Out of Africa* nostalgia can hardly believe that the Karen Blixen farm, where photogenic lions appeared in the forefront of a troupe of Maasai warriors, can today be found at the edge of town. Their nostalgia reinvents the purity of the air in the African mountains and consigns to the distant future the reduced charms of the 5-acre estates that still belong to some white Kenyans. The Blixen properties consisted of 6000 acres of land at the foot of the Ngong Hills. Karen Blixen left her house in 1931. The gracious rusticity of the white veils and starched cotton can still be found there and one can caress waxed wood and porcelain. The house is still fragrant with lavender and bees wax. It is now a museum. The guides are all too ready to lead a willing lady visitor towards the bushes where lay the lady's love, forever immortalised by Robert Redford. Some Karen residents can still remember the lady who gave her name to the ancient dwelling and to the residential area. Some expatriates returned to live in Karen as tenants of the rich politicians of the Independence era. These latter now live in the flashiest villas of Muthaiga or Lavington.

22 Calas, B., 'Des contrastes spatiaux aux inégalités territoriales. Géographie d'un 'modèle' de développement fatigué', in Grignon, F., and Prunier, G. (eds.), op. cit., p. 47.

Karen is a way of life. A forest and pastures cleanly divides Karen from Dagoretti, the former depot of African caravans. During the period of the 'African farm':

(Karen) was Africa distilled at an altitude of some 6000 feet, the powerful and refined essence of an entire continent. The colours were of dried grass and burnt earth... the trees shivered with slender and light foliage... the views were infinitely extensive. All that one sees is grandeur and freedom, and unequalled nobility.²³

A visit to the museum is deceptive for two reasons. The style survived the era, but time left its mark on the surroundings. Past Dagoretti, retreat homes for the Catholic faithful, private schools, a teahouse, the entry to the Country Club and the Giraffe Centre all line the route. It is not unusual to come across the slow walk of some Maasai herders, alert to the advantages of tourism. The men, draped in checked red cloth, accompany their cows; the women keep a stall at any road junction. At the other end of Karen some Kikuyu gardens can still be found just as they existed earlier. Currently they border the Garden of Resurrection, owned by a Catholic congregation, about fifty acres of farmland (the old farm has been preserved at the entrance of the property) criss-crossed with asphalt that winds between the stations of the 'Way of the Cross', illustrated in 15 signboards of engraved copper, each measuring 4m², mounted on a stone pedestal and set in a wall of cut stone. It is calm there. The garden is magnificently planted and maintained. There is space reserved for family gatherings and rooms for retreats. The Pope visited the place and Kenyans consider it a shrine, a modern-day sanctuary as well as an altar for ancestors. Well-off Catholics in Nairobi often choose the area as a place to take walks. The place makes pilgrims of the elite Kenyan Catholics, whose fervour attracts them to this luxurious use of land and allows the occasional visit to an area that is basically a residential location of the whites. Another place of pilgrimage, the enclave of the secular blacks—the bar—grill referred to as nyama choma, brings to mind the former government links of Karen and Ngong, and plays host to families and singers who sing in Kikuyu. Life in Karen, at the foot of the Ngong Hills, barely receives a visit from lions. The views are less expansive. The formidable refinement of the well-bred colonists is still sheltered behind hedges and bushes between distant paths. In this sense, the spaces remained vast despite becoming more middle class. Planted tree edge the paths that grooms cross while leading their horses, or the occasional African rider, obviously a servant. Are the masters at work? Could they be waiting for the horses? The asphalt is quite narrow but the grass verges give a sought-after impression of pragmatic luxury—space, as the tarmac is being limited to necessary traffic. In the maze of asphalted and well-maintained

23 Dinesen I., *Out of Africa*, New York, The Modern Library, 1992 [1937], p. 3–4.

paths, I reach my destination by following a telephone description of the route, at the end of which a pillar or small wall indicates the entrance. At the place where I am to be received, only the domestic workers busy weeding indicates any sign of life. My host awaits me. I find him seated, dressed in beige shorts and apron, busy repairing a spare car part watched by a servant. Doubtless the old man is aware of the incongruity of the scene—but whose? His or mine? No, we are all at ease. The surroundings seem familiar to me. This mixture reminds me of a cousin mechanic's workshop, a slightly brusque gentleman, also a colonist, in such an oasis. His garden, although smaller and mainly reserved for roses, strongly resembled this one. And there, my host and I find common ground in English that is very English. How come? As for me, I mention the bucolic charms of a fashionable suburb in London where I learned the language. But of course, this neighbourhood has always been well off. This merits an extension of our interview on the baraza,²⁴ and certainly, a cup of tea.

Property in Karen still responds to its original norms: on the indispensable five acres, only a single residence could be built.²⁵ Not just anybody could come to Kenya—a deposit was required, bankruptcy meant one's departure. Today, it is difficult to keep a garden of such dimensions. Horses have also become fewer. Previously, one could expect to see at least three horses for every adult (*"White, of course"*, says my host), but presently, this luxury could be seen as provocative, and people think twice before feeding the dogs exclusively on meat, though some still do. Until 30 years ago, Karen residents were mainly British. The British (Kenyans of British origin, as nationality is now required to be a land-owner) are fewer in Karen than the Americans, Germans, Scandinavians and Japanese who are tenants of property that now belongs to Kenyans. Firms generally take the responsibility for getting immigration permits for their employees, and for a well-specified period of employment. The government takes precautions as there is no room for penniless whites in Kenya.²⁶ In Karen, all manner of conveniences are to be found: a pleasant commercial centre, the Country Club and its golf, international schools, convents and headquarters of religious congregations, and several charity associations. The Karen branch of the Red Cross is particularly active. Associations in Karen lead an intense life, as witnessed in the Karengata Association, in which the residents of Karen and Langata have since 1940 organised the life of their community and have recently begun to manage the infrastructure.

24 A porch along the outside of a building (sometimes partly enclosed), a Swahili word with, probably, a Hindi etymology. For the settlers, it indicates a sheltered terrace, where conversations of general interest are held in a relaxed manner without visitors having to enter the intimacy of the house.

25 It is now authorised to construct two houses on the land.

26 This confirmation from my interviewee should be qualified. It targets foreigners and not the white Kenyans of old stock.

Karen was earlier an integral part of Ngong County. Nairobi acquired the status of City in 1950, which led to a redefinition of the counties, and in 1963, Karen was placed under the administration of the City Council. “*The entity is too large, and above all, Nairobi had been divided into districts according to segments,*” said my interlocutor regretfully. Consequently, each segment comprises rich areas and hovels. In his opinion, they should have created subdivisions in which equality relative to one’s wealth would prevail, as was the case in Harare. “*Why must people in Karen and Langata compensate for the poverty of shantytowns like Kibera? We want our taxes to be used for the development and management of our own areas*”.²⁷ Karengata, which for a long time has remained the only association of its type, in its journal of the same name, recorded in its 300th issue,

...the newsletter is released fortnightly, as long as the writer is not on holiday. He was a journalist specialised in criminal affairs in Glasgow, and this is felt in the journal, which, barring various difficult situations, too often reports the travels of the writer. More space should be allocated to positive acts of the community. Several Karen residents devote themselves to the Africans or offer them employment.²⁸

When I left my host, taking a rest under the midday sun, servants were having a chat alongside the road under the midday sun. The workshop and the shop belonging to Lady Ward were still accessible. *Kazuri*²⁹ produces and sells ceramic beads and rustic pottery. The prices are geared towards a wealthy clientele and one comes across Europeans, Indians and upper-crust Africans at the shop. Occasionally there are groups of tourists who end their visit to the Karen Blixen Museum here. The business exports its products to the United States, Canada and to Europe, with the help of a bi-annual catalogue depicting creative colourful jewellery, suited to the fashion of the year in these countries. It employs 86 women and 12 men (“*in order to balance the numbers, we employ them in the heavy work of pottery*”), along with 14 handicapped women from neighbouring villages. Lady Ward, now an octogenarian, started this workshop in 1975. It is by no means subsidised, but rather, having enlarged its installation, is entitled to a reimbursement of a loan at rates that would elsewhere be considered exorbitant—a rate of 33 per cent annually. Apart from their salaries, the workers are provided with healthcare and free education. The enterprise also employs a Westerner and an Indian as manager and secretary. One could describe this as a paternalistic form of pragmatic charity. A business sense founded on the conviction that as one approaches the sixties, as in one’s youth, it is better to be self-reliant and perhaps also, in the post-colonial context, discreetly give an acceptable reason for one’s existence.

27 Interview with a Karen resident, who requested anonymity.

28 Ibid.

29 Kiswahili for ‘a small lovely item’.

The alliance of the white Karen with the basically black Langata could have a similar motivation as Langata is a residential area for the black middle class that is relatively well-off and who have a tradition of elitist well-being. Quite a number of recent expatriates live in spacious villas in this area as well. Langata is also the home of leisure for the well-off. The famous Carnivore restaurant has different dining areas with menus adapted to the echelons of wealth. Every last Friday of the month, from the end of 1999 to the beginning of 2000, in its large disco area, almost a thousand people attended a biting satire on the head of state and his favourites, performed by the ‘Reddykynulasss’ comedians. This was at a moderate entry fee, which included whisky at a reduced price. The show, in the heated atmosphere of the room, was broadcast on television and proved to be hugely popular. Its airing also gave the feeling of great tolerance and an unprecedented freedom of expression. After three to four months, the three actors were asked to change the theme of their show and the Carnivore returned to its grilled meats—wild game for the tourists, and goat for the locals in the décor of its different dining rooms accorded to the different categories of clients.

The Karengata Association, which has been in existence since 1993, is mentioned in the documents of the Nairobi City Convention, *The Nairobi We Want*, where it appears to have played an important role in the proposal for a governmental plan of action³⁰ in the quest for a return to the “green city in the sun”. The association has for a long time been locally active. It has used legal means to challenge the appropriation of the fringes of protected forests, has been involved in bringing order to public roads, managing kiosks for goods sold to tourists, and watching over the hushed calm of the Karen area. At the end of the 1990s, the association negotiated with commendable success an increasingly autonomous management from the City Council.³¹ For example, Karengata got the responsibility of collecting taxes. From the end of 1999 to the beginning of 2000, the Press recognised the wealth of Karen and Langata, the influence of the elite (the “*only good road in town*” is found there), and the desire of the association to manage Karen and Langata. The chairman of the Karengata association was soon included in the City Council, despite the prevailing controversy³². The difficulty in getting legal standing required for efficient action in view of a better management of the town, the doubts pronounced by the press over the negotiations with a consortium for the management of water rapidly blocked the attempts towards streamlining.³³

30 Actions Towards a Better Nairobi, (p.103) recommends the creation of “neighbourhood councils to run on a self-management basis along the lines of the Langata Karen Association.” This means Councils in residential estates enjoying great autonomy in management and acting the model of the Karengata association.

31 For a historical perspective, see Sunday Nation, 1/03/1998.

32 East African Standard, 5/04/2000.

33 Sunday Nation, 23/04/2000.

The Karengata Association also has other ambitions. Created in the 1940s, during the period when Karen still depended on Ngong, the association probably draws inspiration from the autonomous management of Muthaiga³⁴ to demand its autonomy and also to promote, in the longer term, boroughs based on the Harare (Zimbabwe) model. In this model, each unit would watch over its own management using its own means. At the end of the 1990s, it acted as a lobby group against the government. Through its efforts, the arbitrary increase in postal rates was abolished, although it was later restored. It is this action, reported in the Press that piqued my curiosity. Why did this association of urban management representing two well-off residential areas try to keep postal rates at a low level? The explanation was given to me by the person in charge of the campaign: impoverished white Kenyans living in the countryside do not often have any other means apart from letters to communicate with the towns. Some of them earn a meagre income or even live in great destitution. The ambitions of the association beyond the two constituencies are also seen in its contacts with other associations from wealthy areas, based in Nairobi (such as Muthaiga) or in other Kenyan towns. From March 1998, the chairman of Karengata had been emphasising that as long as they were registered, other groups could play a similar role in other towns in Kenya, get rights to inspect the accounts of management of local taxes and obtain autonomy in management of urban communities.³⁵ Two years later, an attempt federating these associations to national level collided with the government when they sought registration.

Karengata activities have a legal standing. Lobbying is important in these closed circles where a solidarity anchored in the past plays a major role, as long as this past is construed as shared, beyond the large disparities in wealth, and thus, beyond diverging interests. The association is highly visible at the Karen Country Club where it regularly organises social events. There the white gentry of Kenyan nationality (together with non Kenyan whites, often tolerated residents) meet sharing in the heritage that includes Kenya, Zimbabwe and Australia, just as it was two generations ago. Standing on thick woollen carpets, or on the green, the elders' generation defends a way of life. At the end of the week, at night, in the less hushed atmosphere of the disco, well-born yuppies—blacks and whites alike—often come to blows when debating the legitimacy of the luxurious access to the highly selective club.

34 Muthaiga, a colossal success of residential development, declared itself a town in 1922 and created its own administration. The place, however, has too much potential in the land market to be allowed to be left on its own and Nairobi assimilated it in 1928 (Hirst T., and Lamba D., *The Struggle for Nairobi. A Documentary Comic Book*, Nairobi, Mazingira Institute, 1994, p. 65).

35 Sunday Nation, 1/03/1998.

KIBERA:³⁶ LAND OF THE NUBI?

Returning to the road leading towards the city centre and passing through an area recently settled but still considered as being part of Langata, here is the Kibera shantytown, where a likely 200,000 people live³⁷. From the lovely areas of Langata, there is a bird's eye view of the formidable extent of the hovels, the stagnant water and the scar of the railway line that cuts across the area and divides it into different levels of salubrity. I would not refer to all areas in Kibera as slums. The occupation of the site goes back to World War I. Nubi soldiers from Sudan incorporated in the King's African Rifles received the right to live there... but without title deeds. The Nubi, currently threatened by the increasingly intense land speculation, especially the wealthy landowners of Langata, demand title deeds, but have not had much success so far. Like other residential areas in Nairobi, Kibera is diverse and its diversity, once again, reflects segregation. At the extreme west, not far from Dagoretti Corner and the road to Ngong, storied buildings built in basic blocks of concrete remind the visitors of the transit of Maasai herds, as this is where butcheries attract customers who can also enjoy drinks in the numerous bars. This transit point between the nomadic herders of the Nairobi hinterland and the brewers of illegal alcohol of the Kibera slum is a rallying point for the elite on weekend jaunts.

In the older parts of Kibera, where the Nubi community has been well-established from the start, the houses built in permanent or semi-permanent materials, have cement floors. Some even have a toilet that can be used by neighbours at a fee, and some have access to electricity. Whenever the construction of a permanent building left a space open to covetousness, the landowner has built rooms for rent, in which an entire family would live, often a single mother with children. At first impulse, the inhabitants of these houses say they live in a slum, either identifying with the contempt of colonists or trying to attract the attention of potential donors to remedy the unsatisfactory infrastructure and the insalubrity of parts of the area that are less 'legitimately' occupied. Once familiarised with the European interviewer, on the contrary, they deny the qualification of '*slum*' and use this pejorative term, in protesting terms, to connect it with the promises made by the colonial government of granting them ownership. The Nubi part of Kibera, which is in the proximity of Karanja Road and not far from the market served by a bus route, is animated and happy.

36 Kibera in the Luo language means reduced to silence through nasty means according to the popular local etymology. Occupied since 1912 by Sudanese soldiers, Kibera was under military administration. Until 1928 the "Nubi village" covered an area of 500 acres and a certificate attesting to at least 12 years of military service was required in order for one to settle there. Kibera was only integrated into the city of Nairobi in 1963 (Hirst, T., and Lamba, D, op. cit., pp. 50 and 64).

37 In 1992, the population was estimated at 147,000 (Hirst T., Lamba, D., op.cit., pp. 5–6).

Once one has left the tarmac road, the liveliness grows further, greetings, or even smiles, are exchanged, even with the intruder that I am. Music is everywhere. Craftsmen spread their wares, displaying their ability in material recycling in front of houses often built in semi-permanent materials. Mud is forgotten. The Nubi women have their own style of dressing. A veil draped on their head, they wear gold jewellery, particularly an ornament in the nostril. Their greetings are quite solemn, with the younger person placing the elder's right hand to her forehead then to her lips. Marriage festivities conform to their own traditions and are the opportunity to exchange gifts between the relatives of the young couple. The older women are seated in a room at the back, decked out in their finery, often removing a pack of cigarettes from their gathered skirts. Typical delicacies are offered. By these rites and this mode of dress, through their belonging to a flexible Islam, the Nubi community affirms and reinforces the identity that legitimised the former occupants of this place in which they built their houses. This community also asserts itself by other means. Registered women's associations also provide them with visibility. Foreigners, fond of this kind of association, are easily attracted to them. Often, it amounts to nothing more than an outlet for some hand-made item. In a friendly atmosphere, over a cup of tea or after a meal, the sale is presented as an exchange of gifts between the guest and the hostess. The construction of schools is another tactic in the strategy for acquiring title deeds. The wealthy Nubi living outside Kibera contribute to these constructions, to the equipping of a playground or a refectory. The necessity of education is, actually, another sensitive issue to tackle when trying to attract potential donors. These are irresistibly attracted by a self-help project aimed at young children whatever their parents' economic level—with a formal education. Wives of diplomats seeking exoticism are highly sought after. In each class visited, young pupils in uniform recited the basics of their lessons, "*Good morning our visitor!*" The questions asked of them left them flabbergasted. The headmistress of one of these schools explained to me, "*We are seeking benefactors. Diplomats help us to construct durable buildings and with the help of influential people, it will not be easily possible for the government to destroy the buildings and force us to leave.*" Two weeks later, the Nubi demands clearly featured in the Press, and a few months later, in June 2000, violent incidents broke out.

Even if in all slums the most usual model is that of illegally renting habitation from an owner who legally has no rights, the quest for recognition of Nubi land ownership separates the latter from the new arrivals who occupy the hovels on the other side of the railway line, a zone accessed by

crossing over garbage deposits.³⁸ In this more recently settled area, security is not assured and the atmosphere is heavy with the absence of music, smiles or greetings. There is no empty space left. If there is any infrastructure at all, it is even scantier in this area. Muddy paths demarcate aggregations of housing blocks built of various materials, often planks covered by sheet metal, sometimes with a cement floor if not beaten earth. The blocks group together tens of habitations or more each consisting of a room measuring 12m by 16m. Families of as many as ten people live there, most often headed by a woman who cannot by law represent the family. Thin, loop-holed partitions between the rooms do not provide privacy. Sounds and voices are heard.

My hostess, squatting down, has borrowed saucepans and prepares a meal on a paraffin stove. The meal consists of a paste made from maize flour (*ugali*) and of the poor man's vegetable, *sukuma wiki*.³⁹ Children play their part by fetching water. It is dark. We speak in low voices. Her husband switches on the radio to cover our voices. Their luck in being a united couple is envied by others. She has the opportunity to work as a housekeeper, at a monthly salary of Ksh 5000, the same salary as that of her husband, who is a guard at a commercial building. Their rent is Ksh 1000. The four children are still in school and their fees have to be paid. They go to school either by bus or by *matatu*. The meal takes two hours to prepare, each process being worsened by the lack of equipment and comfort. The stove is smoky; the only opening in the room is the door. The planks are loose and the roof leaks. Furniture is reduced to the elementary: a bed for the parents, a sofa that serves as a bed for the four children, a cupboard with some dishes (I get a plate and spoon, the family eats from the saucepan), another cupboard for clothes, and the radio. Whatever the case, on rainy nights the racket and the water that seeps through all corners keeps one awake. This is the only prevention against thieves who can make their way unheard as the rain beats on the metal sheets. The landlord refuses to repair the lodgings, leaving it up to the tenants to cater for, in return for his permission. He, on the other hand, lives in a house fenced off with a wall that the television antenna exceeds. As emphasised by my host, "*he has all he needs. Oh, if only we had money to build a house... someone has already helped us and we have been able to purchase a piece of land outside the town. Do what you can for us as well. With Ksh 10,000, we can do something.*" My hosts took me back to the place agreed with my chauffeur. There was a fruit stall there, from which I bought fruits and to their surprise, gave to them. Upon my return, I asked about my hosts from a colleague and I was shocked by the response but I cannot really tell what was worse—to be the umpteenth person led into what I was told

38 Lamba D., Nairobi's Environment. A Review of Conditions and Issues, Nairobi, Mazingira Institute, 1994, p. 22.

39 In Kiswahili, *sukuma* means 'push' and *wiki* means 'week'. This cheap spinach-like vegetable is essential for people on a tight budget and gets people through the week.

was a stage-managed event, which the meal could have been? Or to hear the filthy destitution denied and reduced to an opportunistic stage play while I was inclined to see the couple maintaining themselves, their dignity and appearance of cleanliness, sending their children to school and not letting themselves lose hope for a better tomorrow. Are the feelings of admiration and the feeling of being manipulated incompatible?

Despite its minimal comfort, the household appears as an oasis in the muddy surroundings of small informal businesses. Using their meagre income, parents try, as much as they can, to send their children to school. Then, more often than not, the kids return to the margins, as they lack the connections that would lead to a job in the formal sector where, anyway, men have priority. The informal sector accommodates small well-known associations (the fact of being female, certainly facilitates the creation of an association) and compensates for the feeling of social exclusion. The Nubi have kept their own traditions and form some kind of local élite that takes the trouble to have their identity recognised while asserting the legitimacy of their occupation of the land. The mushrooming churches offer alternative associations and enjoy foreign support to impose their style. They are allocated pieces of land for their houses of worship to the great displeasure of those that consider themselves the legitimate squatters in the area. The doubly marginalised recent arrivals remain open for the new arrivals from rural areas who reinforce their positions. In these recent agglomerations of hovels a private social life is non-existent; family intimacy is a luxury very few manage to enjoy. Those that have the ingredients of this privilege—a stable household with a regular income, albeit meagre—also experience moments that the extreme promiscuity, robberies and the bad weather lands them with. Rent, along with the profit from illegal brews, makes up the income of the richest inhabitants of the slums. Religious affiliation to American churches allows them to survive in the supernatural for want of being able to live or foresee an end to the daily struggle for the next meal. This perpetual battle for survival, according to several testimonies, is one of the motivating factors for them to stay in this difficult urban area. The town seems to be a lottery but at least it saves those who do not pick the winning numbers from rural boredom and absence of prospects. Some small-scale entrepreneurs find abundant manpower at the edges of these areas. Manpower is cheap and very flexible in the face of the highly unpredictable amount of work. This is the experience of my interviewee, the owner of an artisan workshop for tourists at the edge of Kibera.

Frederic began his business in 1984. He was 28 years old and married to a Ugandan woman. His father, originally from the west of Kenya, married in Uganda. Frederic was trained as an accountant in Kampala. Then,

due to the war, at the age of 26 he left Uganda with his young wife in search of work. Thanks to a connection with a European he got a job as a receptionist-cashier in a hotel in Mombasa. It is there that he foresaw the possibilities of a touristy artisan workshop. Because he had family in Nairobi, he chose to try his chances there. He had saved no money after his two years of employment. He started his business with funds as low as Ksh 2000. He began to import sets of small tablemats from Uganda and bought serviette holders that he had painted by Kamba artisans.⁴⁰ His way was to buy ready-made objects and add an original element from his own inspiration. Success rapidly led him to diversify his purchases and to set up a workshop. His first workshop was just one room in Ayany Estate, Karanja Road, where I visited his third workshop, the largest so far. The workshop is close to this house where a room serves as a reception area and show room for customers. The house is part of a housing estate built by the government and sold for leasing, but he is not the owner. At the beginning, in 1984, he sold items through Undugu, an NGO charged with working to help street children.⁴¹ Since 1986, he has been selling his production in a boutique at the Norfolk Hotel, and mainly in another in the Westlands Shopping Centre. For 15 years he has kept the same customers, which has led him to constantly being innovative in order to create new items, often his own invention, while adapting forms or African objects made for use by Europeans. For two years, his largest market has been exports to the USA. But he lacks liquidity to cater for this demand and his savings are weak. For an order of Ksh 50,000, an advance of Ksh 20,000 is required for material and for the work. The tools are not always easy to find and are often costly despite their simplicity. For example, steel threads required to chisel the wood for sculpting park animals that tourists are crazy about is catalogue-ordered from Germany. His monthly profit is Ksh 14,000 on average and he tries to save money in order to become owner of his own workshop. The question then is, will he stay on in Kibera?

In the slum, he says, people are friendlier than in middle class residential areas. It is also more pleasant for work. I do not consider my craftsmen as workers but as friends. If the amount of work is not enough, I explain to them that I must reduce their number. The most recently employed are the ones who lose their jobs. The older ones also take up their jobs when there is demand. They live here in Kibera.

40 The Kamba are known for their skill in wood work. They are found in all artisan markets, for example, in the Tuesday market in the centre of the city, called the Maasai Market. They organise their workshops and cooperatives on an ethnic basis. The Kisii specialise in carving and polishing soap stone.

41 According to the rumour-mill, this association was attached to the Moi government ... and, like all rumours it is up to the reader to draw the implications of this allegation.

Frederic's wife continues her business of baskets and mats from Uganda on her own account. In Kenyan households, this separate business of a wife is not rare, but continues habits from the countryside where separate responsibilities in terms of production also have as a consequence, a separation of incomes and expenditure, at least for one part. This model is found also in the middle classes, and often, one must add, in a less amicable manner.

WEST SIDE STOREYS

Continuing in our journey of the periphery towards the centre, we are now in Nairobi West, an area that is distinctive for being attractive to men's gatherings from all parts of Nairobi. In wandering and going round the area, what is striking in terms of development and infrastructure is the diversity of the neighbourhoods, going from the mini-slum to a modern ghetto of buildings, passing through areas with individual houses by the roadside or through a succession of compounds grouping about 20 houses, fenced and enclosed with a guarded gate, with a central road. A sentry box shelters the guard who is paid by all the inhabitants of the compound through a monthly contribution. A parking space for at least one car per house is provided for; otherwise the house will not get a buyer at a price suited to the seller. These houses, apparently uni-familial, are often subdivided into apartments in which young householders live. Thus, relations modelled after the extended family are maintained under the guise of modernity. The roads in Nairobi West are more often than not potholed, except for those where influential people pass through or live. The roads close to the commercial centres are lined with stalls built with hastily assembled planks, some of which also shelter families of traders living in conditions as precarious as their stalls.

An area of a rising middle class, also subdivided in sub-quarters of 'ethnic' origin, Nairobi West stands out today because of its nocturnal life and the specificity of its attractions: churches, of whose two Catholic parishes are reputed for their choirs, an Indian recreation centre, two mosques, cabarets, a commercial area livened up by South C. Social life is low-key, apart from prayer groups or the sharing of beer and kebabs. Apart from these attractions showing a specialisation of the area, some regular interactions exist with the neighbouring slum of Kibera, which supplies illegal alcohol (*chang'aa*) that the men come to drink. There, the sellers coming from Kibera can exchange their profit for a 'complete meal' (a chapati and a cup of tea) for 10 shillings, far from the daily muddy wretchedness. Here, also, children and adolescents languish (asleep or intoxicated) on the two squares around which businesses and bars stretch. Without this misery, in the evening light, one could almost imagine oneself as being somewhere in a village of Provence. But here, it is true, the former cinema hall that was for a while a 'hip' bar, was transformed

into a church and labels its 'made in USA' ecumenism under the name 'Rainbow Church of Christ.' A medical laboratory is attached to it, subsidised by an American donor. These lively cults, contrast with the boredom of the more classic Catholic Church. Competition drove this Church to advertise the visit of a Dutch miracle worker. As for the bars, with the name 'Jean's and John's' on entry, one finds a maze of dark corridors connecting the rooms. The habits of conviviality bind together the men leaning at the counter, including some very rare Europeans. A stranger remains a stranger, more so, a female foreigner and the colleagues that brought in the intruder.

What remains here of the past of Nairobi West? First of all, its name and the name of its subdivisions, have a meaning and origin that are presently incomprehensible without recourse to history. Nairobi West takes its name, of course, from its situation as the new airport of times gone by—the Wilson Airport of today—in contrast with the location of Nairobi's first airport, then located immediately to the East of Eastleigh. Nairobi West is, in fact, situated on South Hill, that is on the south slopes of Nairobi Hill, formerly the border of the Maasai reserve. Additionally, at first sight it seems strange that the three main areas of Nairobi West are called 'West', South B and South C, according to divisions in infrastructure development and that each has its own trade centre. In 'West', the proximity to the airport has meant that there is some land still unoccupied. At the border of their ancestral land, the Maasai still tend their cattle there. When, at the end of the dry season, grass is very hard to come by, in blatant disregard of the regulations, they come searching there, on the last uncultivated urban land of their territory. I could see them going along in a haze of dust on a road towards town, then crossing in their slow-moving walk, to the rhythm of their beasts, a junction filled with cars. On what remains of the Commons, I saw some cows grazing in spaces filled with scattered rubbish and set with makeshift homes, where, between reconditioned sheet metals, cartons and newspapers, homeless people live, with permission from the District Officer, in a space that is too small to even be termed a slum. More fragile in their precariousness, in comparison with the less rough hovels of the swarming Kibera, these shelters still grant their inhabitants the luxury of a bare space which still separates them from the 'good areas.' The dwellers go there to earn a living through petty business or casual employment from traders.

Insiders and outsiders of Nairobi West agree about the question of the Indian dominance of its population. However, while Europeans refer unknowingly to the past of Nairobi West, its African inhabitants point to the areas that the Indian residents have gradually ceded to African occupants on one side, and, on the other, to the new Gujarati ghettos. A "Somali" area is mentioned while it houses the best African compounds of the area. Under the weight of prejudice, the Somalis left this quiet neighbourhood to settle

in Eastleigh, an area that is constantly feverish with activity. Africans and Indians who have lived in Kenya for long periods replaced them in West. It is not towards these Indians that the fingers are pointed, but towards the five-floored apartment buildings surrounded by high walls with electrified barbed wire and fitted with watchtowers. Situated at the edge of the river of which they hinder the access, they attract attention and resentment.⁴² Two of these ghettos exist, which stand out by the state of the wealth of their respective occupants, judging by the quality of construction material and the models of new cars that enter and leave the blocks. Self-segregated usurper: this is how the inhabitants of these areas see them, as they alleviate their resentment by expressing fears for the survival of these intruders in case ethnic troubles break out. As rumours have it, only fraud and high level political corruption can explain⁴³ these segregated settlements. One of these buildings is said to house a population from the poor regions of Gujarat. Their residents would be from the same Indian village, which explains their absolute withdrawal. Living here are women who only speak Gujarati. Gracious in their bright and sparkling saris, they visit the Banyani Centre of Shree Baji or Ganeesh, where the elephant goddess welcomes visitors at the end of a long alley to the recreation area with its offices, swimming pool, sports rooms and fields—in principle open to all—in the centre of West. The usual screams of children at play go through the windows. On Sundays, the crowds are large and the faithful of this temple not only come from the two ghettos close by, but also from several areas of town, without however, belonging to the most opulent strata of the Indian society of Nairobi. Well-off Indians frequent other places. In Nairobi West, the Indian population is quite visible, with its well-defined neighbourhoods that families leave for a newer and wealthier district, in this case, Parklands, as soon as financial means allow it. The most well-off categories left the country from 1964, often heading for Canada and Australia, thus freeing the former posh dwellings for the benefit of the up-coming classes. Within these, on the whole, dwindling communities, the extended family, although still rarely brought together in a large house, remains the cradle of daily life, with religious affiliations remaining alive and the caste system in full force. Indian networks carry along with them and across all borders particular ways of congregating. Africans and Europeans have little access to them except for business. Family links, Catholic, Muslim or Hindu religious affiliations, ethnic identity, and social status as apparent in wealth or education that cross over ethnic groups, shape the social relationships in a very visible manner in Nairobi West.

Thus, among Africans, members of an extended family are found in the same area because family networks are still active and help them to locate a house. Similarly, a shared regional or ethnic origin contributes to creating

42 The Africans rail, as if they still depended on their river for their water supply.

43 Not having attempted to verify this, I consider it to be a rumour.

or maintaining networks among the rising elite. Finally, belonging to a professional class where solidarity relationships knit together especially through *barambee*⁴⁴ practices. While the women visit each other or interminably prepare evening meals which their husbands might not bother to taste, the husbands go in search of their friends from the beginning of Saturday afternoon. My host, a Gusii public servant, took me with him to one of his favourite leisure spots. First, we sought out his doctor friend, who, at the formerly pleasant Dagoretti Corner, had built several connecting buildings and owned a bar. We skilfully avoided the potholes to no avail as the friend was not at the bar. The manager showed us another place where he could be found. We continued our journey towards Kibera. Outside the slum, in the buildings made of dried earth, is a Kikuyu bar full of action. About fifty men, aged between 40 to 60 years chat and hold discussions. I counted two women, both involved in politics. I found myself here in a political elite milieu of senior civil servants, in charge or discharged. In this case, the criteria of affiliation are the importance of the professional status rather than the ethnic origin. My neighbour explained to me, “*KANU partisans on one end, the opposition on the other, but all without a fight breaking out.*” The atmosphere was, actually, well-behaved, at least in my presence. The important thing for these men seemed to boast of their successes, their high connections, and last but not least, by displaying their capacity to soak up drinks that flowed, as one man after the other treated each other to drinks. Beer is the most frequently consumed in half-litre bottles. One or the other orders a quarter litre of vodka, which they mix with the beer of their friends. After almost two hours of this diet we left. My host explained to me, “*All those that you have seen here, they and others are people I invited to a barambee at the Hotel Milimani since my son would like to leave for the United States. They all contributed and I got Ksh 200,000. The reception cost me Ksh 30,000. Of course, I in turn would support them if one of them organised such a meeting.*” He returned to the steering wheel, headed to another cabaret, this time in West, where we found some of his companions that we had met earlier in the afternoon. They knew that they would meet a mutual enemy there, and he was the subject of their veiled mockery in the following two hours. Everything they said was in nuances and insinuations seasoned with beer and vodka. My host acquainted me of the goings-on during our drive. This man, a University professor, had been very disagreeable to his own daughter even to the point of questioning her academic capabilities. The dear professor was not beyond criticism and in one fell swoop I learnt details of his eventful private life. At about 8pm, we returned home and my host immediately went out again. After the meal, the young generation

44 This is a neo-traditional practice: a gathering of friends and family is organised (meals, music and dancing, prayers) and gives way to giving financial contributions destined for the organiser's personal projects. These could be a marriage, a funeral, sending a child overseas for study, etc.

began its going-out, from dancing-grill to grill-dancing. In these places, prostitutes and the good taste middle class intermingle to the measured beat of the music. The places where the gilded youth abound are clearly more 'hip' and there, the trendy lot hooked on Western fashion exceed all the sensuality of their virtual model.

The respectable men of Nairobi West not only haunt bars where they meet their work place peers, but also the bars in their neighbourhoods. They meet there, as we have already seen, mainly on Saturdays, as part of an itinerary, which, from the end of the afternoon leads them to the wee hours of the morning. They perambulate from one group to the other in search of fellow regulars, in an excursion that goes beyond their usual place but concentrates in the typically African and well-off areas of town. They gather there often and every day of the week, preferably on terraces, grouped according to ethnic and/or regional origin. The values shared with their age mates and their professional success modulates their verbal exchanges... and their spending. These meeting areas for mature men are, *par excellence*, places where they socialize and mix rural and cosmopolitan values. The respectability of a mature age rests on the success of social relationships and discussions about the inevitable expenses and redistributions of that go along these relationships. Ostentation is paramount and only a few tokens vary according to different groups. The Luo, even those in their fifties, still brag about their academic success from renowned universities.⁴⁵ For the Kikuyu and the Gusii, it is the creation of a network of relations in the highest echelons and the most cosmopolitan that constitutes both the source and the modern sign of respectability anchored in local norms. The success of their children who are integrated in academic circles or are foreign professionals is the most obvious sign of success. To get there, these middle class men, throughout their entire career, often in civil service—which does not exclude politics or business—have woven conviviality and solidarity links that are specifically urban.

Some Saturdays, wedding parties bring families together in an atmosphere somewhat constrained by religious and 'traditional' rituals. A model that is greatly similar to a religious ceremony developed across Christian faiths under the influence of Pentecostal and revivalist charismatic movements. The harmonisation of clothes and floral décor, the number of cars to transport relatives from distant places, the participation of the audience in singing—these are the ingredients of a successful ceremony. If financial means allow the hiring of the services of a renowned choir, the ceremony will attract a good attendance. The choice of church corresponds to

45 Appearing among these components of Luo ethnic stereotypes is a reputation for intelligence. These sparring matches, while confirming colonial stereotypes, thus affirm an identity that the Luo had acquired as their own.

the faith of the young couple⁴⁶ but also, sometimes, to the links of a community with a particular priest. The Goan community, for example, will choose the modern cathedral in South Hill, where the priest is Goan.⁴⁷ This choice allows an integration of traditions and songs unique to that community, to manifest its success in a perfect ritual with an abundant and beautiful floral décor and the distribution of magnificently printed and photo illustrated booklets about Goa. Some priests make an attempt to attract the attention of the audience on the equality of spouses and on the need of children to be with their father.

In less sophisticated circles of the Kenyan middle classes, discussions anchored on local use sometimes, immediately after the deed is done, contradict clerical advice of mutual conjugal respect. Overdone contradictions between the representatives of different ethnic groups or from relatives who have come from the country for the occasion and urban dwellers better endowed with signs of ‘progress’ habitually collide over all attempts at change. If the religious ceremony comprises an expression of ritual ecumenism, part of the ceremony displays, in its prescription, a sort of pan-ethnic and cross-border ecumenism.⁴⁸ Some elements borrowed from the Charity Fairs of Anglican missions create the conventional framework where dance and neo-traditional speeches appropriate to the situation are integrated. Here, decorations in crêpe paper are matched with coloured roses made of icing sugar, artistically modelled and placed on each layer of the wedding cake. In cases where the two spouses are not of the same ethnic group, the main speaker—who is from the young man’s family and belongs to his parents’ generation—may make suggestions that contradict the values of the young bride’s family, or even say things that are contemptuous of her. He can openly remind them that the bride must submit completely to her mother-in-law; that she must wash her mother-in-law’s feet, give up her children to her if she demands it, and that household chores are exclusively feminine. The place and the occasion barely give room for a rejoinder, supposing that one were ready. References to divine authority give legitimacy to the speech. The woman in charge of cutting the cake also refers to God and gives her blessing in a virile speech. I hear a comment, “*they choose Bible verses that suit them*”. Once the delicacies and the conventional sugared drinks have been consumed,⁴⁹ disagreements rapidly lead to the departure of those that feel they had been offended and the gathering is reduced to the family of the young groom surrounding an already worn out bride.

46 The spouse will convert if necessary.

47 The Goan community in Nairobi has been reduced to some one hundred people, descendants of Indian Christians from the ancient Portuguese colony of Goa.

48 I also observed the same order of ceremony during the public part of wedding parties in Rwanda.

49 Pentecostalism, which forbids alcohol consumption, rallies the crowds.

If Saturdays are the most unbridled days for both men and women, Sunday is the day when family values inculcated by churches must be reaffirmed. This obligation is securely fixed for the weekly day of rest. An eventful Saturday precedes an early morning appearance of a Christian family Sunday. After this run of duty, they are then to be found in their living rooms at home, chatting with cousin or sister-in-law, watching some programme on television, then sharing a light meal with the family. The conversation then turns to the organisation of prayer groups that the Catholic Church makes a necessary condition for accessing the sacraments that mark stages in life. This obligation leads men to show up at functions and some meetings. Towards afternoon, the head of the family takes up his car and his habitual social occupations, while the wife and kids, on foot, pay courtesy calls on friends and family members who live in the area. The journeys between the houses are an opportunity for meetings along the streets and for exchange of news, as leisurely pedestrians are numerous at this time. It is also the moment, for the young women who work during the week to entrust their hair-dos to expert hands in interminable sessions. This style is not particular to Nairobi West: the same perambulations are found in the well-to-do African quarters of Langata. Upon reflection, Nairobi West seems to be a place of social transition, perhaps also a springboard between a previous residence in the centre of town, or the rural areas, or the Coast, and for the luckiest ones, a more definitive settlement in areas testifying to an unshakeable success.

In leaving Nairobi West to go towards the centre of town, we go along a major avenue in which one of the paradoxes of Nairobi urbanism is displayed. Hovels that are over-populated beyond the imaginable⁵⁰ juxtapose unoccupied buildings; about twenty blocks of empty buildings recently constructed but already dilapidated. These constructions supposedly did not respect security regulations. In the next blocks, workmen and railway employees are abundantly sprayed with exhaust gas. One would wonder what sanitary regulations prevailed here.

THE 'CITY' AND OLD NAIROBI

The heart of Nairobi beats here, between the 'City' and the popular areas of old Nairobi—Pumwani, Pangani, Eastleigh, Eastlands, Majengo and further to the north, Westlands. The city centre today looks like a world of offices in buildings 'Bangkok style', where universities, old colonial hotels, business are intermingled, mixing high towers with old single-storied buildings. Few people live here but Kirinyaga Road is known for its apartments rented out at Ksh 6000 per month or its minuscule rooms transformed into furnished flats at Ksh 200 per night. From the exit of the offices, the area neighbouring both the park and the centre of business becomes an estate of prostitution. The

50 That is as many as 'three times eight' beds, teams take turns in sleeping as the others take turns to ensure that work permanently continues in the factories.

large avenues that border this area changed their name at the behest of the times or the prevailing powers. This is particularly the case of the main road, Moi Avenue, not far from the colonial buildings, still bearing sad memories under the name of *kipande*. Outside the large international hotels—we shall return to the Hilton—the omnipresent security guards are too visible to put one at ease. As if the clients must know they are guarded. Twenty-five years ago, the people of Nairobi and tourists relaxed on café terraces, but now, at the bank entrances, the helmeted guard has a truncheon in his hand.

Sometimes, the recent façades conceal a creeping dilapidation, while behind the older ones,, unsuspected networks and labyrinths of dark corridors lead to the multiple goods depots and finishing workshops for artisan products. Some shops are found there as well, in a system that resembles—walls and all—those of souks and bazaars, friendly to only the initiates and propitious to all transactions. The intrusive tracery is punctuated from the outside by the vehicle traffic in which pedestrians squeeze in thanks to the traffic jams, or briskly throw themselves between two vehicles. There are barely any zebra crossings. In the commotion where all building entrance halls and shops feel as a safe haven, according to estimates, some 50 to 60,000 street children strive for life, addicted to glue and living in small, often violent bands. The two extremes meet on the streets, in feigned indifference, powerlessness or aggressiveness. The hyper-marginalised population that rapidly develops its own culture,⁵¹ meets with the world of the well-established great national and international associations. The majority of these children are the offspring of a town that was constructed with no regard for its population, a town where only the best win if they are lucky and where the majority is without hope. A quasi-ethnic identity develops within these groups, which are easily distinguishable from passers-by. This population has become a reference group for the wealthiest classes: models not to be imitated or, on the contrary, offers acceptance for children suffering difficulty settling within their family or school groups. Rather than facing difficult family circumstances, some young people opt for the streets, from whence there is no possible return, which is the case of pregnant schoolgirls.

Associations promoting development, respect (and knowledge) and basic rights' initiatives are headquartered here, unless the grants received allow them to be established in the more forested areas at the periphery. They often present themselves as efficient connections with rural areas via the use of radio and the print press. Newspapers report these actions, such as those of FIDA (The Federation of Women Lawyers), an association of lawyers specifically interested in basic rights for women. This association also runs a radio programme every Sunday evening. These rights, even those guaranteed in principle by the official acceptance of international charters, collide with

51 See the publications by D. Rodriguez-Torrès.

local rights that are still in force in the continuation of colonial rules of indirect administration. The British, in effect, maintained the customary rights specific to the different populations, which composed the colony. As is the case in the resulting context of legal pluralism, the interests of the strongest ones prevail as they refer to the norms most favourable to them.

Thus, among the Luo, widows form part of the inheritance given to brothers of the deceased husband and it is rather difficult to escape from the rule in the rural areas where a woman is as essential a workforce as she is a mother. The hard work of women, who are often married to much older men, does not give them any right to manage their household goods considered to be the property of the husband. The case of a mother who was jailed on the strength of her husband's accusation that she sold a cow to pay the children's school fees, is indicative of the general attitude which is also present in town—woe unto wives who have no income of their own and are discriminated against in their social circle.⁵² All decisions are still taken upon the advice of village elders. This situation has perhaps been the strongest incentive for women to become financially independent (as 'detrified' people, they were at the launching of an urban petite bourgeoisie) to create all manner of businesses,⁵³ then to educate themselves and their daughters, to organise extensive cooperatives of varying durations,⁵⁴ to create professional associations—women entrepreneurs or judges—or, more recently, generously subsidised NGOs.

From the small-scale groups under the leadership of a 'mama Nubi', to the giant Maendeleo ya Wanawake allied to the government, all manner of women's associations come together. Since they were subsidised, they, as a group, have promoted the autonomy of women by creating employment that is truly feminine. Obtaining these jobs however reveals the same strategies: clientelism and power games are not typically masculine traits. Maendeleo ya Wanawake is currently the largest woman's NGO in Kenya with its three million members of the two sexes, exclusively elected by women. The association was founded in 1952 by Europeans, conscientious in helping the population traumatised by the Mau Mau movement, by collecting and distributing old clothes. From 1960 Kenyans directed the association which diversified and extended its

52 See, particularly, *Sunday Standard*, 31/10/1999.

53 See Okemwa, S.N., 'Wombs and Graves, Witches and Whores. Gusii Paradoxes in a Context of Land Commodification', in de Lame, D. and Zabus, C. (eds.), *Changements au féminin en Afrique noire*, 1999, pp. 147–182; Rodríguez-Torrès, D., 'La libre entreprise au féminin. Une typologie de la prostitution à Nairobi, Kenya', in de Lame, D. and Zabus, C. (eds.), *op.cit.*, pp. 115–145.

54 Women's cooperatives have recently increased in number under the influence of amateur donors who promote the development of women. They have been in existence for a long time, as witnessed in the case of Kamukunji Women's Group, founded in the 1960s. Having acquired a small capital base through their artisan activities, about twenty women bought a piece of land whose title deed they obtained, took a loan and constructed a three-storey building in which all elements were judiciously put in place. As they aged, these women retired to their rural homes, entrusting the management to their children while an agent takes charge of sending them the rents.

activities throughout the entire country; being the female branch of the Kenya African National Union (KANU) the political party in power until 2003. This connection gives them access to credit making it possible to offer support for small associations, and again granting them employment. The advent of multipartyism in 1992 marked an official separation between the MYWO and KANU; currently, several politicians are making attempts to assure that they have the female vote by becoming members of the MYWO. The fight against AIDS and against female genital mutilations that the association leads is generously financed by American and German cooperations. Women also make their way in politics through the movement.

The great divas of Kenyan politics, heavily present in the Press, often pursue a judicial career.⁵⁵ Lawyer associations have all the shades of the rainbow, from activism in favour of the inhabitants of the slums (*Kituo cha Sheria*),⁵⁶ to the organisation of seminars which negotiate—thanks to grants from Great Britain and from Canada, between the marble and velvet of the Hilton Hotel—the judicial reforms necessary to the development of a modern concept of family.⁵⁷ Nevertheless, let the pomp of the art deco not deceive us: despite the personal stakes from one to the other, the efforts are real and the battle is greatly unequal. The men, indeed, have no interest in judicial reform and they are in power. The female politicians seek alliances in order to be elected and to be in a position to act. One or the other invited male speakers will bring this generous touch necessary to the credibility of the women and might venture to comment on the feminine propensity to depression. The speaker must then turn to all his own psychological resources in order to escape unharmed from the gathering that he has managed to distract. The meeting will have given the women the pleasure of being together in a prestigious place, of seeing themselves strengthened by the presence of their foreign counterparts, sensitive to their anti-male ruthlessness, affectionate irony. Solidarity is created in these precious moments of luxury and shared humour.

Women entrepreneurs also have their associations. But why say so much about women's associations? The reason is simple: they are numerous and socially important. Women reacted to marginalisation, first during the colonial era, and then today, by quitting rural areas and developing entrepreneurship. The colonial heritage, coated with the new world catechisms of development, provide many women with the means to take over the reins of a family deserted by their husband in favour of his profession and of the bars where it is considered appropriate for him to spend the lion's share of his leisure.

55 The lobbyism is supported by an NGO, the League of Kenya Women Voters which encourages women to vote, to be candidates, to elect women to "transform the management of development and public affairs, to make desirable social change happen and to increase the number of women parliamentarians".

56 Founded in 1973, *Kituo Cha Sheria* carries out judicial information work.

57 These days, between a 'Lady Justice' addressing an 'Honourable Lady Justice', both dressed in robes, it is a question of promoting modalities of divorce to avoid useless fights.

From this city centre it seems the action of these associations are well rooted in the universal standards of respect for human rights and of the promotion of women's development would spread upcountry. In reality, it seems that their influence only reaches small towns and that active elite women of these NGOs, financed from outside, benefit from their action. For the majority of the women there is a long way to go between the custom that considers them as goods among other goods upon the death of their husbands, and human dignity that attributes to them rights of equal access to resources, as their husbands. The context in which local regulations, which differ according to ethnicity, ensure the security of women by preserving the continuity of the male lineage and its common ownership has for a long time been part of a mixed context. Money individualises rights and tragedies, aspirations ensue from a comparison with the lofty principles propagated by international organisations and their local branches.⁵⁸ Away from the city centre, with its offices and hotels, reality hits you like a slap in the face.

The administrative, commercial and service nucleus is rather limited and leads to other styles, from going across the crossroads, then on to the old African residential estates. The former American Embassy, for example, is located not far from the railway station, which in turn is close to the bus station, not far from River Road. River Road still bears traces of a distant comfortable existence, the fruit of mainly Indian businesses. The Indian presence of yester-year is still manifest in the old Sikh Temple. Nevertheless, it is not advisable to visit the area. Organised bands relieve naïve passers-by of their purchases, which are immediately diverted to the Indian shops or re-routed to other destinations. The *matatu* that all look alike pass each other and luggage changes hands. The same gangs can, through similar means, supply a shopkeeper who is under pressure to honour a client's demands. The adjacent streets are even less commendable. To the east is a strange slum, Majengo. Majengo is strange in its compact layout, with narrow little roads that do not allow access to any motor vehicle, the few openings are under guard of a resident of the area, a congregation of multiple dwellings under a single metal sheet roof covering the entire building in the old Swahili style.⁵⁹ It is unique in its small surface area (0.25 mile²) and its high population density (14,000 inhabitants, or a density of 34,200/km² in 1992). The impression of a low fortress and its reputation as a hideout for weapons, as well as being a hovel devoted to prostitution, puts a halt on the attraction for the unknown and facilitates my refusal to the ironic invitation of one of the

58 For an overview of the perverse effects of promoting females without taking into account the various ways in which societies manage relationships between men and women, see Okemwa S.N., 'Enduring Passions: the Fallacy of "Gender-focused" Development in Kenya', in de Lame, D. (ed.), *Genre et Développement*, München, Lit Verlag, 2000, pp. 103–132.

59 This is the style of the ancient squared houses of the coast, but in this case, in Nairobi. The owner of the house often lives in one room and rents out the others.

guards to enter the maze. In striking contrast, just across the street to the east, an estate of enclosed apartments in a property owned by a Catholic church houses low and mid-level civil servants who lead an urbanised life where neighbourliness does not entail connectedness. The people of Majengo never go into the apartment blocks: two worlds coexist without aggression. Leaving Majengo to return towards the centre, we cross a deteriorated housing estate of homes built by the government many years ago. Here, between the overcrowded rooms, which look like a house, the lawn leaves space to rubbish, to advertising, and to the washing. The place is considered a 'garden-city', a site of dwellings built between 1946 and 1957 for workers, where space was calculated in terms of 'beds'.⁶⁰ This part of Eastlands mainly houses mid-level civil servants, who are in a hurry to leave the area before their children grow up, as it area is prone to serious drug problems. A large advertising poster in red and black encourages sexual partners to agree on the use of condoms—"Let us talk / About love!" A well-meaning graffiti artist daubed the second part of the advertisement in white: the already euphemistic '*About love*' written in the hottest colours of passion, was daubed in sky-blue, '*About Jesus!*'

Also towards the east, further along the periphery, Buru Buru estate is a more recent planned site. The area is, for the most part, still well spaced out, divided on both sides by a large road. Beyond Uhuru Estate, with its already crumbling housing (monthly rent of Ksh 1500) occupied by low-level civil servants, majority being employees of the City Council, one reaches Jericho Market, with its official stalls (about one hundred, rented out at Ksh 3000 per month) and its annex given up to informal business. These businesses and the fruit and vegetable stalls along the roadside provide employment for the residents of the area and supply those who, from the other side of the avenue, live in planned estates where the rents are much higher (Harambee Estate, from Ksh 10,000 to Ksh 20,000 per month) than those of Uhuru. There is relative security despite these screaming inequalities thanks to the presence of a housing estate reserved for policemen who live there at a rent of Ksh 800, all costs included.

The communal Jericho Market, with about one hundred stalls, each shopkeeper paying Ksh 3000 per month is thus the place where the people of the area work and find supplies. The market comprises about one hundred stalls, all equipped with a concrete floor and walls built of durable material. Sewing, woodwork, furniture, shoe-making and good quality second-hand clothing are side by side. Some tailors get an extra income by organising informal classes to teach dressmaking, which allows the sewing machines that are hardly used to pay for themselves. The students bring fabric and customers; they pay about a hundred shillings per week to use

⁶⁰ See Hirst T. and Lamba D., *op.cit.*, p. 110.

the machine. On the side of the market's surrounding wall, more informal stalls are built with earth floors and passages that only allow access to two people at a time. The space of the stalls and workshops is greatly reduced. Still slightly further ahead, we reach the controversial site of a *jua kali*⁶¹ association. I pay a visit to Joseph in his stall. He is a former employee of a large banking organisation. He claims to have been sacked because he could not adapt to the use of computers. At fifty years of age, he opened this stall for spare car parts and small tools. He also sells individual cigarettes and sweets. Around his stall, men daubed in grease mind their own business. English is not understood here, and very little Kiswahili. Joseph is Kikuyu. He speaks to us in excellent English, and says he is happy to have the opportunity to practice. Other Kenyan languages have also become familiar to him. He attributes his setbacks in the formal sector to a lack of education, his schooling having been interrupted in the era of the Mau Mau rebellion. However, business is doing pretty well. The shelves of the stall are remarkably well ordered. Joseph knows exactly what he has in his shop and where every item is placed. His one regret is the lack of means as he feels that he is skilled in managing a much larger motor vehicle business but lacks the requisite capital. His wife helps in the management of the shop, which is open from 7 am to 7 pm. The family lives in a small house in the proximity of the local bus station and the food market. His four children are educated but there is no leisure for the parents. The greatest threat is the land conflict between the *jua kali* association and a powerful owner of the site.

The interesting and friendly interactions were interrupted. Joseph wanted me to meet his family. An appointment was made for a Sunday evening. Misfortune (?) demanded that I read various things on the eve of my visit. A gang went on the rampage in Buru Buru, exactly in the area where Joseph was living. The *Daily Nation* newspaper reported several rapes and murders. The trip being in the evening, already barely safe for those accustomed to the area, was postponed. A week later, the daily papers reported a fire, probably a criminal act, at the *Jua Kali* site where Joseph had his stall.⁶² The land conflict had found an outlet, according to ordinary proceedings, as has been witnessed in the history of the town.

The street, large and bordered with a verge of ten metres on both sides, has the look of unbuilt ground sometimes developed into gardens (are these vegetables kept unharmed at the cost of a compromise with potential thieves?) edged with the surrounding walls of the houses. At the opposite side of the road, the houses have gardens and the rent there is much higher, going as

61 *Jua Kali* means 'burning sun', under which these entrepreneurs of all kinds establish workshops that they have designed and built themselves to treat or recycle locally available material.

62 *East African Standard*, 5/04/2000.

high as Ksh 25,000. This area is very close to a settlement of dwellings given to police officers, who, with their monthly salaries of Ksh 5000 can barely have decent housing. The luckiest among them occupy here—at no cost—an official residence and their presence alone takes care of security. The smartest settlement thus gives the impression of being perfectly safe, even if the walls surrounding each house contradict this impression.

Many areas could be described, with each of them living to the rhythm of their own beat, to the pulse of the town from where they draw their resources, where the inhabitants still have their base. The old African residential areas of Pangani, Pumwani and Eastleigh, merit a stop. To speak of the old heart of the town, a return to its first developments is needed. In that era, under the rule of the colonizers, African populations of various origins and Indians mixed together. This Indian population was composed of business people and agriculturalists, who worked in the jute plantations.⁶³ Let us, for the moment, forget Eastleigh and its Somali population, and focus instead on the inhabitants of the estates: Muslim descendants of caravan porters from the Coast, other African Islamic groups, women who have broken away from their relatives and Indians from various religious faiths. In Pangani, separated from the commercial centre by the Indian area of Ngara, beats the African heart of the town. At a distance of one-day's walk from the caravan camp of Dagoretti at the north West of the town, Pangani, even before the establishment of the railway, was a meeting point for Africans of various origins who mostly shared in Muslim faith. An English couple probably built the first hotel in Pangani (1899), while women, from 1890, developed their own independent urban lifestyle there. Although in their place of origin women could only be land-renters, in Nairobi their right to land ownership was recognised. Pangani was built by the first wave of native Muslim settlers arrived from the coast, people whom the British saw as the civilizing element of the colony and the most suited to be enrolled in the King's African Rifles.⁶⁴ It was a commercial area where the servants of the whites, recruited among the Somali, gathered on Sunday afternoons, in a 'cosmopolitan' ambiance. Members of other ethnic groups soon joined these Somali and Swahili elements and, by virtue of being Muslims, gained the status of 'detribalised' Africans and the right to settle in town and develop their own culture.

From the 1920s the area was the place where emotions from the first generation of well-read Africans ran high in opposition to the colonial power. A first riot was drowned in blood in 1922, on the current site of the University. The divisions between rival interest groups brooded under the agitation within the area, and in 1937 eventually took the aspect of an ethnic conflict between the faithful of three mosques (Kikuyu, Kamba, and

63 It would be interesting to know the proportion of those who transited through South Africa. The first group of Indians, who had been working on the railways, had returned home.

64 Kubai A., *op. cit.*, p. 33.

Swahili). In 1937, one of the religious chiefs created an assembly intended to unite these different groups under the banner of faith. Did the colonial powers see a more connected and hence greater threat to their authority, there? In this town that is historically a product of progress by trial and error, the prevention of conflicts easily transformed into its final solution. In 1938, Pangani was entirely burnt down in view of the expansion of the Indian estates. Two other villages, Mombasa (mainly inhabited by Ugandan people) and Masikini, had also been razed to the ground. The inhabitants were moved to a site that had been planned from 1911. Several Pangani inhabitants who unwillingly settled in Pumwani built once more in Pangani, while some were resettled near Malindi, on the coast. Some gave their new Pumwani estate the nostalgic name of Shauri Moyo, which reminded them of their coastal origins. Pumwani,⁶⁵ still largely Muslim, is considered the old African centre, the only place in town where Nairobi residents refer to themselves as being from Nairobi. Being there, I found this contradictory. On Sundays, Pumwani is empty. Indian merchants are idle in their butcheries and other businesses; Africans are 'at their homes', that is, not in Pumwani. Are they then no longer 'of' Nairobi? "*Ob no!*", someone said to me, "*they are in nearby areas where they still have family land*".

At the edge of Pumwani, not far from the roundabout at Ngara Road, Kariokor is a reminder of the army porters, the *Carrier Corps* of the British army who were responsible for carrying all their goods, except weapons.⁶⁶

In 1921, the place was the first planned site for dwellings, albeit extremely rough and ready, reserved for men, in order to prevent the experienced Africans from settling in town, far from the authority of their traditional chiefs. Today it is a huge market, one of the largest in all Africa. Thanks to its proximity to the transit bus station, it is linked to the rest of the country.⁶⁷ A part of the market, Gikomba, is also the largest and most diversified site of artisan manufacture of a *Jua kali* type. This is a remarkable development attributed to the multiple contacts of the Africans of that area with the Indian craft industry, very close to the Industrial Area.⁶⁸ Indian businesses of spare car parts are situated not far from there and bear witness to their genius by acquiring second-hand parts and making new parts from recycled materials.⁶⁹ Artisan know-how, observation and handling of machines, the availability of salvaged materials, the quest for work, the search for manpower, the desire to

65 Following the demolition of three slum areas, Pumwani became the first official African Site-and service scheme (Etherton D. (ed.), *Mathare Valley. A Case Study of Uncontrolled Settlement in Nairobi*, Nairobi, University of Nairobi, Housing Research and Development Unit, 1971, p. 7.)

66 For a detailed study of these regiments of porters who played a key role during the campaigns of Africa of World War I, see the works of Hodges.

67 According to King, it would be one of the oldest urban markets in Africa (King, K., *Jua Kali Kenya. Change and Development in an Informal Economy 1970–1995*, London, James Currey, 1995, p. 50).

68 For an in-depth study spread over more than twenty years in the 'informal' Kenyan sector, see King K., *op.cit.*

69 Sikhs are reputed to be very good at this.

produce cheaply, the genius in using one's environment, be it earth of sheet metal—such is the cocktail in which the Kenyan economy bubbles, brewing together the majority of the population. Everyone finds cheap clothing in Kariokor, white Kenyans and civil servants included. The expatriates find iron lanterns to use for their garden parties, while the slum dwellers buy the same items for the weak lighting of their cardboard houses. Beyond the relations at the trading post, the 'informal' character of the trade conveys its style to most types of urban sociability. The makeshift social life easily permeates contacts: one man rents an office car without his boss being aware of it; another uses somebody's personal car as a taxi in the city centre during working hours or hires the services of a driver who has no car; a policeman pays his boss the right to stand at a crossroad where the fines are particularly juicy; a teacher adds to his too low fixed income the small extra payment from the sale of garden tomatoes, and the child sells the sweets his mother has prepared. Informality as a style is pervasive. It reaches its peak with genius and honesty in the *jua kali* sites where associations can be registered after having received official encouragement. These workshops substitute local know-how and recycling for the importation of new products.

Some areas neighbouring the huge Kariokor market protect themselves from the intruding crowd that frequents the place by installing highly visible voluntary groups of vigilantes. In the past, the colonizers feared the critical eye of their carriers. Today, academics find themselves standing behind fruit and vegetable stalls or second-hand clothes shops for a lack of connections and schoolteachers with a salary of Ksh 5000 per month earn more from retailing than from teaching. As for carriers... of course large bundles arrive by van but still others squeeze in on the backs of men almost crushed under the weight of their burden. Carts,⁷⁰ which are barely more than large wheelbarrows, thrown-together using salvaged materials, are rented out by the day by their owners to men even less fortunate than themselves. These try to make a sufficient return on the rent in order to feed their family. I met the owner of a small 'stable' of these carts, whose English indicated that he had received a good level education. These carriers are to be found in all the popular residential areas in this town of hills, where they often move furniture or transport the dead.

They are certainly also to be found in the muddy chasms that El Niño left in 1998⁷¹ in the Somali area of Eastleigh, also close to transport stations. Potholes here are the size of a hippopotamus's bathtub. It is impossible to guess the depth of stagnant water but at least this absorbs the shock between the gaping cracks of the tarmac. To get around, one trusts in the aquatic movements of other cars engaged on both sides, between the porters who are

70 Called *mkokoteni* in Kiswahili, they can be rented out for as much as Ksh 600 per day that the renter must desperately try to earn back.

71 Railway work would have improved the situation in 2001.

more heroic than ever, and the ever-triumphant *matatu*. Attention is divided between the road that the driver navigates, the windows that are kept closed due to the slow speed of the car and the nimble fingers of pickpockets,⁷² and all that moves below the windows. An agile colourful crowd, mixed with women veiled in black, or in a much older fashion, submerged by the silky stream of vivid colours, a moving crowd, criss-crossed by the paths of business people and concentrated in the intense look of khat chewers: this is Eastleigh. The gaudy kiosks in both Nairobi and Mombasa announce the sale of the herbs whose amphetamines leave the users thin and 'high.' In Eastleigh, they are very friendly. In the evenings, amateurs transform their cars into a salon; operating in motorised groups they stop from kiosk to kiosk to exchange laughter and spiritual conversation without feeling hungry. 'Khat parties' are one of the Eastleigh clichés, but they are also a particular trend in sociability.

The Somali identity is another trait of the area where, however, several Kenyan Africans find a job, in particular in transporting heavy goods. This is how first generation Somalis became rich business people and were joined by others, often well-off as well, who ensured their connections towards the north coast and the Gulf countries. Less fortunate refugees perhaps mix with them whose illegal immigration is a pretext for police raids. There is confusion between the ethnic Somali present in the north of Kenya, the Somali established in Nairobi from the foundation of the town, and the latest arrivals, accused of any kind of illicit trafficking. Armed violence breaking out in town is readily attributed to the traffic of weapons from Somalia. This assumption makes searches acceptable to the general public, while the area also houses a flourishing business in gold. In the sombre maze, the yellow metal passes under the veiled gaze of a woman, from a black-gloved hand to a bare one holding hard cash. Xenophobia applies to Eastleigh residents of all shades. It diverts stares, either from the locals or from foreigners, from links that feed off commercial enterprise from far-off lands. A hypothetical departure of the richest and best established sector of the population from the improbable, rich and muddy Eastleigh, would leave the area to the mercy of further deterioration and open it to land speculation.

Central areas all swarm with the multiple interactions that made the town and that keep it alive. If Eastleigh is mainly identified with a Somali population, all the other areas of the old Nairobi mix Africans and Indians, at least for the sake of commerce. Once the stall has been closed, all those whose means permit retreat from the commercial scrum and settle in residential areas more appropriate to the display of social success. Those Indians, for example, who had not lived in Westlands for two or three generations, settled in Parklands, a new option opened to them recently. The materialisation of their success

72 These are generally youth from the Mathare slum.

encourages the ones still living in less 'distinguished' areas. No Indians live in the slums and few of them live in the upper-crust area of Muthaiga.

PARKLANDS, WESTLANDS, SARIS AND 4-WHEEL DRIVES

Leaving the centre towards Westlands and Parklands through the Ngara roundabout, we follow the route of the socially upward moving Indian. At the Ngara roundabout, the mounds of rubbish rejected by Indian food shops and the fruit and vegetable stalls on the same ground attract scavengers.⁷³ Along the street, shops selling Indian silk and cotton are found in a row. A little further along there is a church called 'God's House', which was set up in an old cinema. This church made headline news because, according to rumours, the prophet of this sect predicted his own resurrection, therefore the believers refused to bury him.⁷⁴ Ngara neighbours Westlands and Parklands where Indian wealth is in full force. Westlands is, more than anything else, a business area where offices, businesses and commercial centres mix with restaurants and residential buildings of high standing.

The new buildings reflect the ambient feeling of insecurity, as the gleaming luxury is fenced with walls, wire and flowers. The owners are mainly Indian who rent them out to Westerners. Workmen offer their services if they manage to introduce themselves to the new arrivals. A manicurist or a masseuse often calls her clients on telephone to see if they require her services, because she herself, living in the Mathare slum, cannot be reached. Domestic workers make an important part of the conversations of idle expatriates' wives. Servants' quarters are not catered for in these apartments, as is the case with houses. Servants receive a grant that is sufficient to share a dwelling in an 'informal' settlement where they withdraw to when their day's work is done. Few employers are sufficiently at ease with these constructed inequalities to consider their servants as a fellow creature. From there, the discussions of the often idle mistress of the house dabble in the glue of obsessive anxiety to reaffirm the differences. They consider their servants to be under the influence of logic of their own, or sometimes, they think they have lost all sense. They refer to this as 'the African hole'. Does it not occur to these mistresses that their servants could be thrown off-balance by their feminine frivolities as much as by their awkward authority? That the servants who go from well-equipped kitchens to their muddy slum homes, and back, could feel somewhat disorientated?

This idea has never crossed the minds of these women. Every month, some of them squander sums of money for souvenirs bought at the handicraft stalls

73 During my first careful journey through this place, an adolescent was sleeping on the pile of refuse at the centre of the roundabout. It was explained to me that either he was waiting for an other deposit in order to eat, or he was watching over the area to protect it against the intrusion of another gang.

74 Churches of all kinds, be they members or not of the large sects based abroad, proliferate in Nairobi. Several cinemas had been re-appropriated by such Churches and transformed into places of worship. See in this volume, the article by Yvan Droz on Pentecostal Churches.

at the Village Market at prices they sharply argue about, but which is more than the monthly salary intended to maintain the family of one of their servants. Behind the Friday market stalls, which on the surface seem quite African, hovers the *savoir-faire* of Indian business, more ubiquitous in the malls, the supermarket chains and the 4 x 4 cars driven by ladies dressed in saris.

These Indian patronesses, who mostly live in Parklands and Westlands, care little about the moods of their servants. Their authority stems from their qualification and know-how as housewives, which is still essential to their identity. Thus, they will vie with their connoisseur friends, presenting them with unutterable delicacies homemade by a cook they have educated. They themselves serve tea according to English etiquette. The servants at these homes are infinitely discreet. An impromptu visit to an Indian lady at the end of the morning produces an unforgettable impression on the visitor: in an atmosphere of studied relaxation, the energetic lady speaks of her mundane obligations of the afternoon, her long plaited hair still wet. These social occupations are often organised within the family and a limited circle of friends of the same standing. The Kenyan past of these well to do ladies make them close to the political elite. Their father, their husband, was formerly a judge or lawyer. Several Kenyan women are now members of these professions and they do not under-estimate the value of visiting descendants of the first non-European elite of the country. Occupations considered to be typically feminine, like flower arranging, keep women of a medium ranking busy. Indian feminine activities reflect the social categorization. The most frequent alternative for the less remarkable Indians is playing cards, while a conversation over cups of coffee and cake weaves the fabric of gossip. To this, there is a cultural way out: be a member of the association of friends of national museums, of a religious association, or attend a temple. The Hindu Council brings together representatives of Indian associations on a religious basis. While the men also meet in corporate associations, once the children have gone through adolescence, boredom sets in for women. With their young children, then grandchildren, they visit innumerable places of leisure. They pushed them to study, to choosing an orientation in the tradition of upward social mobility. The best jobs, as far as they are concerned, are the professions, accountancy and of lower prestige, business.⁷⁵ A school founded by Indians in the colonial era is today highly sought after by all, but it is accessible to non-Indians only when there are vacant places. When all the children and grandchildren have grown, the wealthiest will place their driver and car at the disposal of the children. The children therefore will go to their

75 What is most sought after is a profession which best caters for social mobility. Several schools are sponsored by the Aga Khan, the head of the Ismaïli brotherhood. These schools are in principle open to black Africans. Very well maintained, they give the impression of being schools for the élite. The Ismaïli constitute an important community that sets itself apart from politics. For more on the Muslim communities in Nairobi, see in this volume, the article by Anne Cussac and Nathalie Gomes.

chosen places of leisure, often at Westlands or at weekends, outside Nairobi. At such places, they mingle with the highest class of Kenyan youth.

Coming from the centre of town, the Westlands roundabout, close to The Mall is the doorway to Westlands. Near the roundabout, merchants have set up shops in their numbers on the pavement and sell second-hand clothes, flowers and artefacts from salvaged materials. Close to the roundabout are the oldest shopping arcades in the town. Since about six years ago, all luxury businesses moved to the new Sarit Centre, enormous, clean and well guarded. The new malls (Sarit, Yaya, and Village Market) are places where one can get money from an ATM at ease, meet a friend in a pleasant restaurant and do one's shopping in the supermarket or one of the boutiques. All the entrances are guarded and the enclosed parking leads directly to the arcades. There, it is truly good living. Cake and fruit juice, exotic cuisines of all types are on sale. The public is mostly white and Indian, with a few 'hip' blacks. All ages can be found, either in the bookshops or music stores. Within the course of the past four years, the success of Sarit simply grew as development in Westlands grew. In this area of large houses surrounded by gardens, several gleaming buildings, walled and guarded, were constructed. The recent attacks by gangs from the Mathare slum against the luxurious villas of Muthaiga, caused the inhabitants to retreat into these apartments. Several inhabitants of Westlands no longer leave their self-sufficient area except for out of town weekend leisure jaunts.

House watchmen and their dependents, students from the countryside or young graduates seeking a better lot, live or crawl in the cracks left vacant by the seedbeds of the elegant colonial housing, the sparkling buildings, and the guarded commercial centres. They squeeze into the narrow rifts that are the back of the vegetable stalls or of any other merchandise. The domestic quarters, a room provided within the employer's home, can harbour a relative without the employer knowing.⁷⁶ Often, the maid or the 'boy' lives in a nearby area, in the Mathare slum which houses a mixed population, a mixture of 'permanents' with strong links to their rural homes, and youths who consider themselves as being in transit, in spite of barely having a foot in the market of formal employment.

76 For a study on these relationships and individual paths, see, Curtis, J., *Opportunity and Obligation in Nairobi. Social Networks and Differentiation in the Political Economy of Kenya*, Münster, Hamburg : LIT, 1995, pp. 118 onwards.

MATHARE:⁷⁷ VALLEY OF BLOOD AND TEARS

At least 500,000 inhabitants live in Mathare Valley, an area D. Rodriguez-Torres described so well. Korogocho, the most recent of the slums, doubtless houses a third of this total population and its growth is constant. Settlements in this place are rudimentary, without sanitation or refuse dump. The more recent the establishment, the less an associative life in an environment of mistrust and extreme competition for basic survival can develop. Under these conditions, NGOs make an attempt to cement small groups on ad hoc objectives such as the defence of rights of occupation, the creation of artisan cooperatives, the organisation of elementary education, moral aid groups, and dispensaries. In these slums, economic differences exist which are often quite great but the mode of social life seems to transcend them. Those who manage to prosper, mainly through the sale of illicit liquor, prefer to remain in their social networks and lead a double life of a sort. Being involved with NGOs, some residents can, amazingly enough, travel. I refer here to the case of a young man, member of a Catholic cooperative who, under this framework, was able to participate in a World Congress of slum dwellers in Brazil. He returned from it comforted by knowing that these conditions of a degraded existence were neither particular to his town nor to his country. He was satisfied with the efforts of his mother, through which he was able to go to school but kept him away from higher education, a rather realistic stand. “*If there was security in Korogocho,*⁷⁸ *we could live there*”, he said.

Peter, a shareholder in the artisan cooperative that was organised by the Comboniani Fathers, came to Korogocho in 1977. He was seven years old then. His parents first lived along Thika Road. After the demolition of the illegal site,⁷⁹ they moved to Korogocho, which at that time was sparsely populated. In 1982 the population began to become denser as Korogocho took in groups turned away from the City Centre, mainly from Grogan Road. At that time, one settled as soon as one arrived. Priority was given to those from the destroyed areas but restrictions were ineffective. Some local

77 Mathare, from the name of the Mathari River which cuts across the north of the town, is the name of a division of Nairobi. On 24 November 1996, the Electoral Commission changed the name of 13 constituencies. Mathare constituency is now called Kasarani and includes Kariobangi, Ruaraka, Roysambu, Kahawa and Muthaiga. If we exclude Muthaiga, Kasarani is the poorest constituency in Kenya. It shelters a part of Mathare Valley (Mathare North, Mathare 4A and 4B, Mathare East) and other slums or poor residential estates like Huruma Estate, Kariobangi, Korogocho, Githurai and Kahawa (I.E.D. 1998). These subdivisions are, in turn, divided into *villages*, area in which the inhabitants recognise a particular socio-spatial identity. This term of village is inherited from the colonial era where Nairobi was constituted of well differentiated and segregated villages.

78 Korogocho is one of the largest slums in Nairobi and in 2001 it had about 160,000 inhabitants. The school fees for the two schools in the area are too high for the inhabitants and it is children from other estates that attend them (*Daily Nation*, 16/06/2001).

79 The reader will already have gathered that the destructions of dwellings and entire areas are part of an urban policy since the beginning of the town.

tycoons appropriated land: traders and high-placed members of political parties speculated and became absentee landowners; they did this through local agents as they, themselves, were too eminent to squat on the land in full view of the public. Nowadays, it is impossible to find a free site and some 'landowners' have started to build with permanent materials. Korogocho, like other slums, has its estates, its 'villages', to use a local expression: Grogan, Gitaduru, Ngunyumu, High Ridge, Nyayo, Kisumu Ndogo, Korogocho strictly speaking. At thirty years of age, Peter has two children and the cooperative brings him a small regular income. However, he does not imagine a life elsewhere.

Since 1997, terror reigned in Korogocho with critical periods and slack periods. The area is unsafe, even during the day. It is controlled by armed men. The appearance of these weapons coincided with rumours: Korogocho was going to be bought by industrialists and these weapons were distributed to sow chaos. The inhabitants who could, simply left. Some others organised a petition in order to make the government take charge of the security. The police only bothered with tracking down the brewing of illegal alcohol (*chang'aa*). The parliamentary representative was a member of the opposition and was not listened to. Confusion reigned. Finally, the impression was that these actions had no other end but to sow seeds of terror. Added to the guns were knives and machetes. The police arrested and then set free the suspects. Traders left the area, thus creating a problem in obtaining daily provisions. The people finally decided to discretely organise themselves. They feared reprisals in the event that they were denounced. In the end, under public pressure, the government appointed a chief and a police officer. Houses belonging to the armed people were searched and demolished. Korogocho gave itself the name of Kosovo. Indeed, the interpretations of these violent activities could take ethnic overtones, all the more since incidents of an ethnic nature had been frequent since 1989. The inhabitants are a majority of Kikuyu, Luo and Luhya and are roughly grouped according to their ethnicity. The Kikuyu are everywhere, but although they might be landlords at Ngunyumu, they do not live there as the village is 80% Luo. They instead rent out these lodgings.⁸⁰ Other groups are also present, like the Kamba and, to a lesser degree, the Boran and the Somali. These two latter groups are suspected of having brought in the weapons. The inhabitants created security committees to prevent the situation, which had already caused several deaths, from getting worse. In 2000, violence resurfaced in some areas under the impact of land speculation projects.

People in Korogocho say they feel completely abandoned. As the government does not want to recognise the existence of Korogocho, they

80 Rent of Ksh 1,500 to Ksh 2,500 per month for a 4x4 metre shelter with access to a water point and electricity for a few hours a day.

no longer intervene. It is some NGOs⁸¹ that help them to organise. Action Aid is active and offers advice and credit facilities. An organisation of lawyers, Kituo Cha Sheria, was active in the area, informing the inhabitants of their rights through the association Mungano ya Wanavijiji. Several of its members had been imprisoned and finally they became very discreet. The priests of the Comboniani congregation created a dispensary, schools and a shop that brought together several cooperatives of young artisans. One condition for entry: the abandoning of all drugs popular in the area: *chang'aa*, glue, marijuana, khat... There is no other economic activity apart from the manufacture of *chang'aa* and the numerous shops along the quagmire that is the road. The enterprises are family businesses and if they prosper, they expand with the addition of a relative from the rural area, a newcomer easily maintained under the control of one's urban employer. The Grogan area is the main harbour of *chang'aa* production: the other 'villages' purchase their supplies in Grogan. The containers are loaded into cars and even reach well off areas. The police do not intervene. "*A glass of pure chang'aa and you are 'out' for twenty-four hours*", said my guide to me. Price? Ksh 20. Some producers can get rich, but they generally continue to live in the slum where they have their networks. Less than 10% of the inhabitants have a regular job. Social life is mainly synonymous with struggle. Korogocho, the worst and probably the largest of the slums, does not have the ancient social foundation of Kibera or other zones of Mathare. Distrust reigns supreme, even when violence is dormant. Churches, and above all the multiple charismatic denominations, succeed in providing an outlet, or an escape from the real problems of the inhabitants. Muslims⁸² set themselves apart from these groups. Catholic priests of the Comboniani congregation, who have their feet on the ground, built a walled enclosure around their schools and their dispensaries; they control the quality of the teaching. The teachers are jobless graduates who are tested before acceptance. At the edge of Korogocho, a school defies the means of parents who must pay registration fees, as well as provide the obligatory pair of shoes and school uniform. Very few in the slum can afford this. For the others, there are these 'informal' schools within the slum. The seriousness of these enterprises controlled by the Catholic Church inspires confidence in an area where even some NGOs are perceived as making use of Korogocho to attract funds without the inhabitants receiving any benefit. Action Aid has created a commission, the Forum for the Organisations Working in Korogocho to control NGOs. The chiefs of the area (who are politically

81 The NGOs, an important mobilising factor, are sometimes linked to political parties or have political tendencies. Other help, or act as spokesman for the voiceless, to the politicians. Political NGOs draw their strength from their links with churches. On the ambiguous role of NGOs in Kenya, see Maupéu, H. and Lafargue, J., « La société civile kenyane : entre résilience et résistance », *Politique Africaine*, n°70, (1998) : 61–73.

82 Marginalised in the past, Muslims are today integrated in the ruling party. In Korogocho, as they have no access to these spheres of power and do not share the convictions of religious groups, they remain isolated.

appointed and not chosen by the inhabitants) take part in this supervision. Some small inhabitants' organisations have the simple aim of organising garbage collection on a neighbourhood basis, or spread health information.

Depending on the circumstances, my guides to the artisan cooperatives⁸³ made me use different routes, some direct and greatly livened up by trade, others that, being detours, plunged me into the intimacy of families living as much outside their makeshift barracks as inside. All the journeys to the cooperative had this in common—repulsive mud, streams of filthy water suddenly crossing the path, garbage piled up here and there, or sailing along a much-used river, a slope of a hill ensuring the ultimate flow of everything and the risk of slipping. Also in common were the multiple stalls of which some only displayed a few tomatoes or eggs to the passer-by. Everywhere, I walked under the disinterested gaze from men and from unbelievably clean women. Over the visits, one makes no personal contacts unless it is with a child. A small child of three years encouraged me to follow her to her home: “*chang’aa at home*”. On some parts of the journey, I was finally recognised, but not greeted. All that was acknowledged of my arrival was a look in the small café to which I would invite my friends from the slum. Five people could eat there at a cost of Ksh 250, including drinks. I would not be recognised in other parts of Korogocho as my route from the Kariobangi church to the cooperative was always different. The reason was only given to me during my last visit: the journey varied depending on the risky zones at that particular moment. I will bid goodbye to Korogocho with a pang in my heart.

On my return to Kariobangi, a woman suddenly took me in her arms and embraced me without letting go. I first let her hold me, then I pulled away and she released me. “*From the way she is dressed, you can tell she is a Somali. This is strange, because normally, these women are quite reserved*”, commented one of my companions. A little later, I noticed the furtive gesture of a young man concealing an object. I asked my guide why. “*He doesn’t want you to see him sniffing glue*.” Then I asked,

- Do you also sniff glue?
- Not any more. To join Father Alex’ groups and to have access to the cooperative, one must give up drugs, alcohol, theft and violence.
- Did you sniff glue before?
- Yes of course. Life is too tough under the hot sun. I earned a little money for food for the family by sifting through garbage. I collected a

83 This cooperative, thanks to the priest that organised it, has contacts in Europe and thus sells a proportion of his products. Problems are numerous: lack of contacts to enlarge the market, insufficient quality control, lack of knowledge of markets and client tastes (contacts with markets from Nairobi are non-existent), prices that are too high in comparison with other urban markets...

certain type of plastic can. I knew the areas in which to find these and I knew where to sell them. You are there, going from one pile to another, you persevere in the garbage, the heat, you have neither eaten nor drunk anything since the previous day and you count on what you collect in order to eat that evening. Under the circumstances, glue sees you through the day.

- But why do you do such a difficult job? You never thought of stealing? It is much easier!

- Yes of course, I also did that work. It is not too dangerous. You take the bus in the morning when it is filled with people who are half asleep. You bump into people and the deed is done. You get off at the next stop. The same thing in the evening: people are tired, their heads are full of the activities of the day. If you have taken something really good, you go to negotiate in the Indian shops, near River Road.⁸⁴ You then have money.

Here we are again at the Kariobangi Church. My pals bid me farewell. The well-enclosed square around the church feels like an oasis. How green the trees are! I wait for my vehicle. Outside, the breezeblock walls make for a grey, muffled, background. The endless procession of equally grey passers-by animates the scenery, one carrying planks of wood or railings, some not carrying anything but their rags or a crying child.

MUTHAIGA: GARDEN ESTATE AND VILLAGE MARKET

How lovely Nairobi is at Muthaiga! The river winds and splashes in waterfalls. We will not go further than Mathare in the search for the black northeast of the town. Opulent and tranquil, Muthaiga is one of the boundaries of the slum. Here, the name of Grogan is not associated with *chang'aa*, but with the name of the Children's Hospital built in memory of Ewart Grogan's wife. He was one of the most active colonial political figures in Nairobi as well as one of the most skilled land speculators.⁸⁵ Behind the old Grogan property is the Muthaiga Country Club, seemingly unchanged since its inception in 1913 and is still painted in pale pink. The headquarters of the rural colonists, the club is immortalised in various scenes of *Out of Africa*. Apart from the Club (where waiters still serve you wearing white gloves), the Golf Club is also a major employer for some well-trained Africans,⁸⁶ as are the Embassies, ambassadorial residences and specific homes of the Kenyan elite. Only a few

84 Concerning the precariousness of existence in the most popular areas such as the environs of River Road or Majengo, see Mwangi M., *Going Down River Road*, Nairobi, East African Educational Publishers, 1976.

85 In 1900, the Sandbach family was able to acquire 5000 acres of land on the Kikuyu plateau, in order to make sure that Nairobi was supplied with dairy products. From 1912, the use of the land changed and it became a modern residential area with a life planned around the Club, on golf and on personal networks. In 1922, Muthaiga, which managed itself, declared itself a town but had neither a commercial centre nor did it have a public place of leisure (Hirst T. and Lamba D. *op. cit.* p. 65).

86 Formerly, the servants were Somali.

architectural details of the dwellings usually show at the rear of well-tended lawns and bushes. From the shelter of trees, a glimpse of the white facade and turrets of a small chateau can be caught. For a long time Muthaiga has been the venue of prestigious eccentrics and continues to be so, bringing those who make several visits there from a copy of the small Trianon to a futuristic residence built around an artistically designed patio. The large gardens are ideal for receptions: garden-parties sheltered from the sun or evening parties under lamplight. From 1913, the social life of the elite was carried out discreetly between Muthaiga and Karen, thanks to the telephone, private cars⁸⁷ and numerous servants. Today you don't meet any passers-by along the avenues with the exception of the occasional jogger. The style has remained that of the early days and newly arrived Europeans give in to it with a sometimes clumsy grace; meanwhile the old white Kenyans, the African elite, and the servants--still in white glove--continue to dance the ballet choreographed by their forebears, as they keep their distance from any Indian intrusion.

The Indian revenge to this exclusion is the gleaming showiness of Village Market. The silver and soberly odourless paradise that is Muthaiga has, indeed become the gate to the recreation and commercial zone of Village Market. Built at the end of the 1990s, the commercial centre situated at the end of the town is typical of urban developments brought by insecurity. A well-guarded wall surrounds the car park as well as every kind of exotic restaurant, game, a swimming pool and shops. Children are safe there and caper on the staircases, splashing water from the ponds and waterfalls. On Fridays the same traders as those of the city centre based 'Maasai Market', gather in this secure place where expatriates feel at ease and bargain vigorously. It is a holiday venue for families on Sundays; one of the rare places where people meet if they do not belong to specific circles or when they do not leave town for the weekend. Village Market is open to all those who have a car to get them there.

Before leaving Nairobi, in concluding, I would like to ask a question. In view of the destitution of much more than half of Nairobi's population, can we speak of a social marginalization? Is the margin different in the rural areas where poverty makes life boring and predictable from day to day, or in the towns where each day a windfall can change one's fortune? And who is in the margin when almost two-thirds of the population is in it? Is it not rather the elite who voluntarily marginalize themselves from the majority of the population? These elite participate in various degrees in local versions of cosmopolitanism. For a fraction of these elite, local versions of urbanity are taken for real cosmopolitanism. The majority of the country's population, on the other hand, does not even have access, even in their imagination, to the tokens of participation in the life of a global village. The purchase of

87 In 1928, Nairobi had 5000 private cars. Its services were centralised and the population had, since its beginning, taken the habit of moving from one place to another, be it for business or for pleasure (Hirst, T. and Lamba, D., op.cit., p. 65; Fox, J., *White Mischief*, London, Vintage, 1982).

'modern' items can fetishise a transition taking place between the sometimes oppressive village life and a more individualized life organised around a salary invested in personal options where ancient links take a secondary position⁸⁸. While investments revolve around day-to-day survival, there is hardly any place for symbolism. Thus resignation and religious escape compete with acting out and individual or organised violence.

CONCLUSION

Only within a logic of static identity determined by space, can Nairobi be seen as a juxtaposition of residential areas. An outdated trend of urban sociology assimilated urban culture and a site more than a life style, as others assigned a rigid ethnic identity to a territory. Transport and communication, the access to increasingly delocalised goods and services, offer a broader entry into an urban culture, characterised by the multiplicity of choice, well beyond conglomerate buildings. By the same token, living in an urban site cannot be seen as automatically leading to the adoption of an urban culture and of its multifarious opportunities and ways of socializing. Urban culture is embedded in the criss-crossing habits of various, and partly fluid, social groups. It moves with the people, multiplies as they mix together, and extends well over the towns, diversifying 'traditional cultures' in the most remote areas. Rejecting a static perception of societies and the immutability of their traditions⁸⁹ is a prerequisite to the discovery of dynamic social identities produced by social practices.

Social practices are rooted in the past but provide various people with the tools necessary to adapt to new environments. While haphazardly organizing Nairobi, the colonial powers materialized habits of segregation and domination that were the pillars of imperialism at the beginning of the 20th century. The African elite succeeded, quite fast, in taking advantage of the newly created situation.⁹⁰ Later, these elite took their share in commercial and, to an extent, political activities, and in the acquisition of the most desirable goods. These new ways were to become parts of their own ways of doing things, which they maintained according to their particular circumstances. Socio-cultural diversifications materialised in the town's geographical segregation. But while building their own lives, people went from one residential area to the next, according to their personal networks or their access to resources. These diversely motivated, yet shared journeys between urban areas built a feeling

88 van Binsbergen, 'La chambre de Mary, ou comment devenir consommatrice à Francistown, Botswana', in de Lame, D., Zabus, C., *Changements au féminin en Afrique noire*, Paris, L'Harmattan, 1999, pp. 37–83.

89 History is always inscribed in the lives of people in the same way as their lives make history. It is more correct to date its reference periods than to pretend to describe a 'tradition' which could be stopped, or will have been destroyed at any given moment. The recourse to these claims of 'traditions' often serve to legitimise certain practices or demands (see Hobsbawm and Ranger, *The Invention of Tradition*, Cambridge, Cambridge University Press, 1983).

90 On this subject, refer to Berman, B., Lonsdale, J., *Unhappy Valley*, London, James Currey, 1997 [1992].

of belonging to an urban culture in ways particular to specific groups. If we approach Nairobi, through the observation of social practice, it is certainly a grey town. Grey in its infiltrated spaces, grey in its shifting margins and grey in its temporary social mixtures that triumphantly resurface in segregated areas where social groups consolidate themselves by a chosen connection to a specifically connoted space.

The colonial era is still a feature of the mentality of Nairobi residents in terms of segregation. The places have a connotation in the imagination and this produces identity out of urban meanderings. People use these connotations and are marked by them in practices that, at the end of the day, and through the specific configuration resulting from their choices, build as much their own subjectivity as their perceived identity. Trade and work infringe on the segregations albeit in a conventional and partial manner. The quasi-clandestine transgressions and the very nature of the most pervasive businesses feed the greyness of the town. This greyness brews in the false appearances of an inefficient urbanism, in the corrupt practices of the police, in the carefully maintained economic inequalities.

In the social twilight, urban identities that do not correspond to any category sprout and prosper. These identities built at the social junctions of journeys can, in some cases, acquire a quasi-ethnic character, as is the case for street children or child soldiers. Typically, these groups re-appropriate spaces that are often well-defined and linked, at times, to protection,⁹¹ and stability, at times, to conquest and movement.⁹² These ways of being are often kept alive in private spaces and masked in the journeys between these havens. When such a 'culture in the hiding' grows, it feeds on interactions between groups, and browses on the de-regulated interstices where each person looks after his own interests. The strongest then best hide their weaknesses, and the weakest stay out of gear. These 'grey' zones are the common grounds Nairobi provides its residents with when it goes about building up an urban style and identity. Equality in Nairobi can only be polished in grey.

Appreciation

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91 Rodriguez-Torrès, D., 'À chacun son trottoir : l'appropriation des espaces publics par les jeunes de Nairobi', in F. Grignon et H. Maupéu (éds), *Afrique orientale. Annuaire 2000*, Paris, L'Harmattan, 2000, pp. 325–349.

92 This example clearly shows that the ties to space are not decisive, the passage from one category to the other being linked to an 'economic' activity in a broad sense of the word.

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Newspapers

Daily Nation

East African Standard

Sunday Nation

A microcosmic minority

The Indo-Kenyans of Nairobi¹

Michel Adam

Anyone who has ever lived in Nairobi will have noticed the Indian presence to the point of overestimating its demographic importance. In an African country such as Kenya, which has cast off a large number of traditional values (particularly tribal dress), meeting representatives of the Indian Diaspora brings back to mind the clichés of a melting pot inherited from the British Empire. Remarkable for the costume of the women—though often confined to the inside of boutiques and stalls—Indo-Kenyans display the polychrome magnificence of their religious buildings, some of imposing design and dimension such as the Jamia Mosque (an ecumenical sanctuary equally frequented by all Muslim groups) or more recently the Jains or Swaminarayan temples. The curious traveller walking the streets and byways of the capital will discover that Indo-Kenyan mosques and temples are many, and added to the hundred or so religious buildings in the rest of the country, they bear witness to the dispersion of these same communities countrywide.

But the existence in Nairobi—and in Kenya in general—of an Indian minority does not only conjure up coloured pictures and architectural lines. Many Africans do not realise the extent of the influence of Indian culture on Kenyan national culture. It is more than just a few recipes and dishes of Indian origin and several Indian words (particularly Gujarati) in the Swahili vocabulary. In a more explicit manner, the presence of the Indian diaspora is very remarkable in the urban economy. Disproportionately to their numbers, Indo-Kenyans play a large economic role, controlling most of the wholesale and retail trade, a substantial part of industry and numerous banking and insurance companies and services in general.

THE INDIAN MIGRATION TO KENYA

The activities of Indian traders in East Africa date back to early times. The seat of ancient and brilliant civilisations (Vedic, Greco-Buddhist, Scythe,

¹ By Indo-Kenyan, we mean people residing in Kenya and who are originally from the Indian sub-continent (mainly India and Pakistan). Locally called by the English word 'Asians', the majority of whom are Kenyan citizens as we shall see later.

Pallava, Turco-mogul, etc.), renowned religious, artistic and literary centres, principal points of contact with the West and the Arabian and Persian worlds, North-western India—from where most of the immigrants come—has for centuries shown its high level of economic development. Situated on the trade route from the Persian Gulf to Lahore and Delhi, capitals of mogul kings, Gujarat, in particular, figured among the industrial and commercial centres of the peninsula until the XIXth century. Named the ‘Manchester of India’ by the British, the great city of Ahmedabad, situated near the vast cotton belt, was renowned for its cotton and silk manufacture, its iron works as well as for its numerous goldsmiths. Trade in opium, indigo and spices was practiced.² Despite frequenting the shores of the Indian Ocean, traders from Gujarat preferred the western coasts. In fact, from a deep-sea navigational point of view, climatic conditions depending on the monsoons in that part of the world enabled a double flow in the region between India and the Mozambique Channel. During the winter monsoon (from October to March), the trade winds blow from northeast to the southwest, bringing about a current flowing from the Sea of Oman, the western coast of India and the Gulf of Aden. During the summer monsoon (from April to September), the direction of the wind reverses (the so called ‘sabeen’ phenomenon).

This alternation of breezes fits well with the type of vessels used locally for centuries and whose origin is probably Arabian or Persian. Known in French as “boutres” and in English as dhows, and fitted with a sternpost rudder and lateen rigging, these boats sail with difficulty into the wind but reach high speeds when the wind blows from behind. In the same way that they sailed to the East African shores, the Arabian dhows were blown by the counter winds to the ports of Northern India, from Gujarat to Bombay. As for Indian vessels of a type similar to those used by Arabs (kotia, dhanghi, barig, manji or mota), they accompanied the winter monsoon in the Arabian peninsula and from there sailed along the coast of Hadramaout up to Ormuz before going south to Mogadishu, Lamu, Mombasa, Pemba and Zanzibar. In the reverse direction of the itinerary—but always in a southwest direction—a dhow having left port in Gujarat in October could, by sailing along the western coast of India, make a round trip via the Comoros, Zanzibar, Mombasa and the Arabian Peninsula. The ancient Swahili civilisation owes part of its traits to these intermixed cultural attributes, from India, Persia and Southern Arabia.

Benefiting from the protection of Arabian sovereigns ruling in their overseas principalities, Indian traders who settled in the ports of East Africa (Zanzibar, Pemba, Mombasa, Lamu) belonged to different Hindu and Muslim communities. Two groups from Gujarat and the region of Bombay were mostly represented: the Jains (dissident Hindus known for their ocean trade)

2 Goody, J., *L'Orient en Occident*. Paris, French translation, Seuil, 1999, p. 156.

and the Ismailis, Shiite Muslims whose descendants, from Persia and Syria, found refuge in India in the XIVth century.

After evolving through various changes in the Arab-Portuguese rivalry (history has it that the Portuguese brought 40,000 workers from Goa to build Fort Jesus in Mombasa), the Indians in Mombasa, and especially those from Zanzibar, played a role in trading with the hinterland of the African continent as well as banking activities whose monopoly they quickly ensured. Importers of textiles, indigo, furniture, arms and jewels, they exported gold, ivory and rhinoceros horns (whose final destination was China) to India. Their involvement in the slave trade is proven despite contradicting testimonies.³ Profiting from the abolition of slavery by the English at the end of the XIXth century, they took control of the clove plantations in Zanzibar, bringing the hostility of the Arabs upon them. At the beginning of the 1870s, according to various testimonies, the major Indian trading companies largely dominated their Arab and Swahili competitors and represented the indispensable intermediaries for European traders.⁴

The massive arrival of Indians in Kenya dates to the beginning of British colonisation. From an administrative point of view, the British East Africa Protectorate was at its beginning a mere extension of the empire of India, which notably imposed the use of the Indian rupee in the new colony. An important part of the subordinate civil service in Kenya was therefore made up of staff from India, in particular many Catholic Goans. The British army of occupation was equally constituted of Indian recruits, mostly Sikhs and Muslims from the Punjab.

When the decision was taken in 1895 to build the Mombasa-Kampala railway, the Imperial British East Africa Company (IBEAC) entrusted a Punjabi agent to recruit Indian personnel. The recruitment agency did not limit itself to the province of Punjab but went to other regions of Northern India, in

3 In reality, only the Jains (at the time called Banyans) stayed out of the trade. Note the existence in the North of India of descendants of African slaves called Sidi (Gujarat), Makarani or Habbish (Sindh) depending on the region. Initially they were peasants at the service of different maharajahs but many thousands later adopted a military career. On this debate, see the works of: Mangat, J.S., *A History of the Asians in East Africa, 1886–1945*. Oxford, Clarendon Press, 1969, p. 7; Chrétien J-P., 'Les Banyamwezi au gré de la conjoncture. Des 'Monts de la lune' aux faubourgs de Dar es Salam (XIX^{ème}-XX^{ème} siècles)', in Chrétien, J-P. et Prunier G. (éds), *Les ethnies ont une histoire*, Paris, Karthala, 1989, pp. 183–184 ; Reclus Élisée, *Nouvelle géographie universelle. La terre et les hommes*, tome XIII : *l'Afrique méridionale*. Paris, Librairie Hachette, 1888, pp. 756–757.

4 Prunier, G., 'Les communautés indiennes', in Grignon F. et Prunier G. (éds), *Le Kenya contemporain*, Paris-Nairobi, Karthala-IFRA, 1998, p. 192.

particular Gujarat and Sindh.⁵ Of the 35,000 people from India who arrived at that time in the port of Mombasa, a majority were not just simple coolies for the railway. There were a good number of qualified workers (masons, carpenters, boiler makers, mechanics, locomotive drivers, cooks), artisans, and even representatives of learned professions: land and quantity surveyors, telegraphers, accountants, nurses, photographers. Furthermore, these paid personnel were accompanied by a non-censured contingent of independent immigrants: various merchants, tailors, barbers, musicians, acrobats, etc. The work conditions on the railway site were very severe as can be seen by the high mortality rate. From August 1896 to December 1906, 2493 Indian workers died (of whom 28 were eaten by lions), and nearly 6500 were declared invalids.⁶

At the end of the construction of the railway, about 30,000 Indian workers—almost all those contracted by the company—returned to their country. Contrary to a persistent myth, the majority of Indo-Kenyans today are therefore not the descendants of these first migrants. As a result, the flow of immigration was boosted by other means. Hoping to ensure a quick development of the country, the British administration first tried to encourage the settling of a small Indian peasantry near the railway line. Thirty-hectare plots of land were offered to Patel peasants from Gujarat in Kibwezi, Makindu, Machakos, Limuru, and Kisumu for production of maize, vegetables, sugar cane and cotton, a plant with which Indians have a long and vast experience. The enterprise did not succeed. After having said, through the High Commissioner of Uganda, that “*East Africa would be the America of Hindus*”, the British administration in 1907 opted for the exclusive settling of Europeans, confining the few candidates from India to the lower parts of the territory.⁷ From 1911 to 1920, the administrative links between Kenya and India were progressively broken. Once declared a crown colony, Kenya adopted the English shilling and replaced the highest Indian civil servants with Britons.

The immigration of Indians to Kenya (but also to the other Anglophone East African countries, notably Uganda and Tanzania) was therefore finally the result of individual initiatives undertaken through networks based on family and friendship. As the British historian Robert Gregory commented, Indians

5 Impressed by the professional qualities and the diligence of Punjabi workers who had taken part in the construction of the railway network in India, the English did not think that they could find a better work force for the job in Kenya. The Indians were also competent in the building of roads and bridges as well as being excellent surveyors. Immigrants preferred the voyage by dhow (very uncomfortable but less expensive and which did not expose them to the risk of quarantine on arrival). The three-year contracts signed with the IBEA imposed a sixteen-hour working day without weekly leave. The workers were allowed to marry (the ceremonies taking place at night), but the spouses had to live separately. For every day of absence, the employer withheld the equivalent of eleven and a half days pay.

6 Kapila N, *The Railway Builders. The Asian-African Heritage, 1895–1904*, Nairobi, manuscript, 2001, pp. 1–3; (A.A.F.), *The Asian-African Heritage, Identity and History*, exhibition catalogue presented at the National Museum of Nairobi, 2000.

7 Mungeam, G.H., *British Rule in Kenya, 1895–1912. The Establishment of Administration in the East African Protectorate*. Oxford, Clarendon Press, 1966, p. 103.

quickly understood that by replacing the system of barter with currency, Africans represented a vast market that was totally neglected by the European settlers⁸. Later, this market was expanded to Europeans, then to Indians themselves. Commerce, qualified handicraft and technical maintenance (in which Indians had remarkable abilities) were therefore the activities on which new arrivals concentrated. Despite the European population having in certain regards benefited from this immigration, between 1919 and 1923 the Indian question was the object of a bitter conflict between the British government and the settlers' representatives who feared that following an excessive influx of Indian immigrants, the latter would take over the Europeans' positions. After the most vocal Indians joined the fight for equality of rights with African nationalists (Young Kikuyu Association), in 1923 the British minister for colonies decided in favour of European interests but without giving in to all the settlers' demands (Devonshire White Paper). A promise was made to control Indian immigration. Increasing the number of their delegates in the new Legislative Council of the colony (which was to be now elected, at the behest of the settlers), Indians did not get equality with Europeans as they had wanted. The prohibition to acquire land was upheld, except in urban areas.⁹

One can judge the effectiveness of the immigration control by reading the figures from various censuses (Table 1). From 11,787 in 1911, the Indian population in Kenya had risen to 25,253 in 1921.¹⁰ Instead of slowing considerably (as the colonial minority had hoped), it doubled every ten years, reaching 176,613 in 1962, which is three times the European population.¹¹ Originating, in its majority, from the same regions in the North of India, this new population differed from the previous one by a much higher socio-economic and statutory level. One could qualify it as lower middle class: poor without doubt (since the rich don't emigrate), but not miserable (they had to pay for their travel and settlement expenses) and rarely representative of castes of the lowest classes, as some authors sometimes state.

8 Gregory, R.G., *Quest for Equality. Asian Politics in East Africa, 1900–1967*. New Delhi, Orient Longman, 1993, p. 11.

9 Created in 1906, the Legislative Council, in short *Legco*) at the beginning only comprised representatives, all Europeans, appointed by the British governor. After protesting against this injustice, the Indians got a single representative in 1908 who, arguing that as British subjects the Indian community had the right to a representation equal to that of Europeans, refused his seat. The Indian demands were carried on in 1916 by the Indian advocate M.A. Desai, founder of the *The East African Chronicle*, a newspaper linked to various influential Hindu and Indo-muslim personalities (Mamgal Dass, A.M. Jeevanjee, Suleiman Virjee, etc.). In 1919, *The East African Chronicle* opened its columns to Harry Thuku, the bubbling secretary of the Young Kikuyu Association, who appointed himself the spokesperson for Indian claims, even addressing a memorandum to London on the subject. After many confrontations (marked by the threat of an insurrection from the settlers), the British minister for Colonies, Lord Devonshire, granted Indians five seats on the Legislative Council compared with 11 for Europeans whose population was almost three times less (Africans were represented by a missionary and Arabs by a delegate).

10 Gregory, R. *op.cit.*, p. 2.

11 Nyaggah, M., 'Asians in East Africa: the Case of Kenya', *Journal of African Studies*, 1(2), 1974, p. 215; Prunier G. *art. cit.* p. 197.

Essentially occupying—as they had envisaged—artisan and merchant positions or employed in middle grade positions in the colonial administration (railway and postal employees, policemen, hospital personnel), the Indians represented socially intermediate positions for more than half a century—and this in every meaning of the word—between Europeans and Africans. As for their economic situation, their promotion was fast and sometimes spectacular. More educated and better trained in trades of the modern world than their African counterparts, driven by the desire to succeed, much disciplined in matters of saving and solidarity, taking advantage of the Europeans' relative lack of ambition, and the solidity of their family networks, Indians expressed their ability in the professions (advocates, doctors, architects, surveyors, engineers, real estate agents). Reoccupying positions held during the previous century by their predecessors, they progressively took control of almost all the commercial activities of the country as well as some sectors of small industry (public works companies, industrial hardware, furniture, etc).

Excluded from the European population by a policy of apartheid—which notably prohibited them from frequenting establishments of excellence frequented by the British (schools, clubs, restaurants)—Indians remained physically, socially and culturally separated from the African population. Hereafter excluded from land and therefore concentrated in the big and medium sized towns (some merchant families settled in rural towns), they settled in distinct areas, maintaining their schools, their temples, their food shops, their hospitals and their clubs. They developed in concentrated areas, preserving all their customs and ways of life.

Despite the militant engagement in favour of the equality of rights, the ambiguous situation of Indians in the colonial African context did not predispose them to associate massively with the national liberation struggle. After the alliance passed with the first African nationalists, other Indian personalities (Makhan Singh, Haroon Ahmed, Pio Gama Pinto, Francesco de Souza) sided clearly with the independence movement. That is how lawyers Jaswan Singh and Francesco de Souza defended Jomo Kenyatta in the case instituted against him by the British. However, as Gérard Prunier¹² reminds, these personalities, engaged at the extreme left of the political chessboard, hardly represented the entire expatriate community and were not mandated by the latter, including their own ethnic and religious groups.¹³

This background explains the difficult situation Indian communities found themselves in after independence, not only in Kenya but also in other countries in East Africa. In Zanzibar (1964) and in Uganda (1972),

12 *Ibid.* p. 199.

13 Cynthia Salvadori presents a relatively exhaustive summary of anti-colonial activities in Kenya undertaken by Indian personalities and groups from 1906 to 1963. Salvadori, C., *Through Open Doors. A View of Asian Cultures in Kenya*, Nairobi, Kenway Publications, 1989 (1983), pp. 341–342.

xenophobic reactions led to the massive exodus of Indians (many would return later). In Kenya, under the pretext of ensuring the promotion of nationals, the government of Jomo Kenyatta revoked in 1967 the licences of all non-Kenyan traders, provoking in several years the departure of some 100,000 people. Having fallen to 78,000 in 1979 and still declining following xenophobic riots in 1982, the number of the Indian population later rose to stabilize today at about 120,000 of which probably two thirds have acquired Kenyan citizenship¹⁴. This demographic increase is greatly due to the favour that President Daniel arap Moi accorded Indians, who encouraged the tacit alliance and meant to put an end to the financial power of the Gikuyu neo-bourgeoisie. That is how in 1986 a number of Indian merchants who had been dispossessed, converted to industry by acquiring various subsidiaries of multinationals established in Kenya at the beginning of the 1960s and sold cheaply by their owners due to the bad political situation in Africa¹⁵. The kindness and generosity of the new power towards Indian economic interests was also the opportunity for non-scrupulous financiers to undertake fraudulent banking operations. Marked by some shocking scandals, this period of recent history seriously tainted the reputation of the Indo-Kenyan community as a whole¹⁶.

Furthermore, the relative demographic growth registered from the 1980s should not give the illusion of the general evolution of the Indo-Kenyan population compared to the African population as a whole (Table 1). Representing 2.11% of the total population of Kenya in 1962 (and almost 18% of the urban population), the Indo-Kenyan community today only makes up for 0.7% of the total population and its part in the urban population has fallen to less than 1.5%.

14 According to the census, the proportion was 59.35% in 1989. It is reasonable to think that this figure remained stable, the increase in the number of naturalisations concerning former residents having been compensated by the considerable increase in illegal immigrants. The estimation of the Indian population varies considerably depending on the source. Most authors consider that it is generally underestimated, a non-negligible proportion of Indian residents escaping for various reasons from census studies. That is how a non-official study undertaken on the eve of the 1967/68 "exodus" evaluated the population of Indian residents at 192,000 people, higher by at least 10% than the official evaluation (Salvadori C. *op. cit.* p. 11). A similar situation is present, given the considerable illegal immigration not accounted for (also see *infra*). Another difficulty in collecting data lies in the fact that the last census of 1999 did not feature the population in classification by ethnic group as was the case before. From 1989 (date of the previous census), the statistical evaluation can therefore only be undertaken through methods of community census whose reliability is doubtful.

15 The same speculators also had the means to buy back their former businesses from over indebted Africans (Prunier, G. *art. cit.*, p. 204).

16 On the details concerning these affairs, see the articles by Otenyo, E. 'Au cœur de l'accumulation kenyane. Du bon usage des banques en politique (1985–1995)', and Grignon F. 'Les années Njyayo. Racines de l'autoritarisme et graines de la démocratie (1978–1991)', in Grignon, F. et Prunier, G. (éds), *op. cit.* pp. 276–282 and 334–336.

TABLE 1: INDIAN POPULATION IN KENYA (% OF THE TOTAL POPULATION)

1931	43,423	1.46 (estimates)
1948	97,687	1.8%
1962	176,613	2.11%
1969	139,037	1.3%
1979	78,590	0.51%
1989	89,185	0.42%
1999	120,000 (?)	0.70% (estimates)

Source: *Kenya Annual Colonial Report* and *Kenya Population Census*. Nairobi, Central Bureau of Statistics, Ministry of Economic Planning and Development

In undetermined proportions, the volume of the diaspora is likely to be increased in time by the recent immigration of young Indians who, adding to the normal flow of spouses “recruited” in India, manage to escape border restrictions thanks to corruption. Coming more often from families far related to Indo-Kenyans, these new arrivals belong for the most part to that big generation of educated but unemployed youth from a part of the world that has multiplied by ten its university training capacity. Benefiting from a higher level of qualification than their African counterparts (particularly in computer science and technical, techno-commercial and management training), they have come to somehow ‘replace’ the young Indo-Kenyan elites who have opted to emigrate from Africa. Their presence is notable in the banking, communication, international hoteliering and import-export sectors. According to opinions gathered from representatives of various communities, these expatriates of the new economy are ready to accept lower salaries from employers and are rather badly received by the older lineage. Nicknamed rockets, they don’t seem, according to their detractors, to have plans to settle in Kenya. It is however impossible to prejudge the future of this new immigration wave, half way between cooperation and immigration. If it is certain that some of them consider Kenya as a step in their eventual international career, others (having learnt the Swahili language and sometimes even married locally) seem to be undecided.¹⁷

¹⁷ Entering Kenya with tourist visas, the immigrants later obtain resident and work permits after paying bribes. According to the author’s information, in 2002 one had to pay Ksh 1,500,000 (€ 23,000) in order to get a two-year work permit (renewable) and Ksh 2,000,000 (€ 30,500) for a Kenyan passport. The big majority of arrivals are Hindus. Among Muslims there is a small Pakistani minority. In 1994, 14,000 Indian or Pakistani citizens entered Kenya. This figure is however very difficult to interpret since apart from *rockets*, it takes into account, as we mentioned above, young “recruited” spouses, authentic Indian tourists visiting Kenya or visiting their emigrated families and even Indo-Kenyans who have kept an Indian passport. An important part of the new immigrants come from upper or intermediate castes, which due to the positive discrimination quota policy in force in India, find themselves in competition with lower castes or untouchables (who are officially 170 million) for qualified jobs.

A BRIEF HISTORY OF INDIANS IN NAIROBI

The settling of Indians in Nairobi is as old as the city itself and can be dated to 1899 when a British public service mission was creating an administrative bridgehead with a view to the coming railway link with Mombasa, which was initially the capital of the colony. Whereas the railway workers lived in houses that were quickly built in the railways quarters (known as Railways Landhies), traders lived in their shops (*dukas*), as well as in warehouses and factories in the future urban sectors of the North and East (Biashara Street, Moi Avenue, River Road, etc.) and parts of the town centre, which today is still marked by many Indian shops and businesses. It is from 1907, when Nairobi was declared the capital, that the Indian population experienced a considerable growth. A first census made on the 30th of August 1909 gave the following figures:

TABLE 2: POPULATION OF NAIROBI IN 1909

Africans	Europeans	Indians	Goans	Mixed race
9524	799	3171	591	76

Source: Preston R.O., *Oriental Nairobi (Kenya Colony). A Record of Some of the Leading Contributions to its Development*. Nairobi, Colonial Printing Works, 1938, p. 2.

The Indian presence marked Nairobi from the first years of its foundation. Despite the older buildings having born the brunt of real estate speculation, a quick tour of the city centre is enough to recognize that most buildings that remain are of Indian origin (as witnessed by the old anthroponomic inscriptions as well as the particular architecture of buildings, characterised by screen facades and worked pediments frequently preceded by columned frames).¹⁸ In a more explicit way, many among the old religious edifices visualize the aesthetics of Northern India. Initially built in 1902 through contributions from Indian Muslims, the great ecumenical Jamia Mosque was rebuilt between 1926 and 1933 in the Punjabi moghol style with the participation of all Muslim communities but the biggest contribution was from Ismailis. The Bohra mosque was built in 1931 at the East of the town centre on the initiative of A.M. Jeevanjee, first Indian representative to the Legislative Council.¹⁹ Contrary to the oriental model, the Ismaili mosque on Moi Avenue (reserved only for the denomination's faithful) was built between 1920 and 1922 in a neo-Victorian style, indicating the wish on the part of

18 Many photo albums give an oversight of the Anglo-Indian architecture also well represented in Kampala. See Martin, R., *Address Book. Historic Nairobi*. Nairobi, Space Sellers Ltd, 1992.

19 Important personality of the Shiite Bohra community, a reformist, founder of the *Mombasa African Standard* daily and passionate defender of the rights of Indians in Kenya, A.M. Jeevanjee was a major ship owner controlling two maritime companies sailing Bombay-Mauritius and Bombay-Jeddah. He made his fortune in the beginning of the XXth century by supplying rations for coolies in the railway construction site. A public garden situated north of the city centre of Nairobi is named after him (Jeevanjee Gardens).

the Aga Khan's disciples to show their anglophile and modern inclinations.²⁰ Without it being possible to know the identity of their authors, a good number of public buildings in the city centre were also the work of Parsi or Goan architects.

For some years, the construction by Indians of buildings using permanent materials was slowed by the prohibition in 1906 of the immigrant community to acquire land. It was only in 1923 that the Legislative Council of the colony lifted this prohibition in urban areas (the prohibition in rural areas was maintained). Expanding to the north and east, the commercial part of the town centre already represented an Indian microcosm (from Jeevanjee Gardens to Racecourse Road), and the expansion of Indians on the periphery, to the northeast and north, was largely facilitated by eviction measures taken by the municipality in 1938 against illegal African residents in the Pangani area. Settling in this former 'spinsters' estate, many Indian traders moved in the direction of Ngara (south of Pangani, in the direction of the town centre), of Eastleigh (south-east of Pangani, in a swampy area) and for the richer Indians, to the neighbouring estate of Parklands, to the north of the agglomeration. As Deyssi Rodriguez-Torres notes, despite the Indians not being responsible for it (territorial allocations having been mostly programmed by the English by virtue of their policy of residential segregation), this concentration of Asian immigrants in reserved estates and in the town centre worsened their cultural and social isolation. By provoking a considerable rise of urban land prices, by making African commercial competition impossible and by depriving them of market rent, this concentration largely contributed in sharpening prohibitions and bitterness against them.²¹

From the 1930s, the growth of the Indian population of Nairobi followed, with few differences, that of the Indo-Kenyan population in general:

TABLE 3: GROWTH OF THE INDIAN POPULATION OF NAIROBI
(COMPARED TO THE TOTAL POPULATION OF THE TOWN)

Dates	Total population	Indians	Indian population (%)
1911	14,161	3762	26.7
1948	118,976	43,749	36.8
1962	343,500	86,453	25.17
1979	827,775	40,371	4.9
1989	1 324,570	45,196	3.4
1999	2 300,000	65,000*	2.6*

Source: *Kenya Annual Colonial Report* and *Kenya Population Census*. Nairobi, Central Bureau of Statistics, Ministry of Economic Planning and Development. * Author's evaluation

²⁰ In general the architecture of Ismaili mosques differs notably from all others in the Muslim world and they never have a minaret.

²¹ Rodriguez-Torres D., « Nairobi, entre Muthaiga et Mathare Valley », in Grignon F. et Prunier G. (éds), *op. cit.* pp. 213–214.

There is a strong upward trend until the 1940s (rising from less than 17,000 in 1931 to almost 44,000 in 1948); it doubled by 1962 before regressing sharply at the beginning of the 1970s. During this last period—and again from 1970 to present day—the total population of the capital has risen incredibly by more than 2000%. The figures speak for themselves. After the Second World War (1948), Indians made up more than a third (43,749 people) of the inhabitants of Nairobi. Despite their number having increased by about 50%, they only represent 2.8% (about 65,000 people today). Another aspect of the demographic growth of the Indian population of the capital is its relative inflation, compared to registered figures, in the rest of the Kenya.

TABLE 4: PROPORTION OF THE INDIAN POPULATION IN NAIROBI (COMPARED TO THE INDIAN POPULATION IN KENYA) (%)

	Nairobi	Mombasa	Rest of Kenya
1931	38.6	29.7	31.7
1948	42.8	26.2	31
1962	48.9	24.8	26.3
1979	62.66	—	—
1989	50.7	27.6	21.6
1999	54.7*	29.2*	16.1*

Sources: *Kenya Annual Colonial Report*, African Population of Kenya Colony and Protectorate, Kenya Population Census and author's evaluations.

* Estimates

Until the 1930s, there were almost as many Indians in Mombasa as in Nairobi and almost a third of the immigrant communities dispersed in secondary towns, in particular in the centre and the west of the country. The numerical superiority of Nairobi started from 1948 (42.8%) before reaching its maximum in 1979 (62.66%). Having been put to question in the 1980s (probably due to xenophobic demonstrations of 1982), it appears today that Mombasa has confirmed a certain stability of its population. As for the secondary towns, the population has been reducing constantly and today probably only represents about 16% of the total.

GENERAL CHARACTERISTICS OF THE INDIAN POPULATION OF NAIROBI

Originating for the most part from the east and southeast of present Pakistan (Sindh, Punjab) and from the North-West of India (in particular, as we have already seen, from the State of Gujarat), Indians constitute in Kenya—and particularly in Nairobi—a micro society, which represents a sort of little India.²²

²² According to Aghananda Bharati, at the beginning of the 1960s, 70% of Indians settled in Kenya were originally from Gujarat (Ghai D. Pet Ghai Y. P. (eds.), *Portrait of a Minority: Asians in East Africa*. Oxford, Oxford University Press, 1965, p. 20). In 1989, among Indians not possessing Kenyan nationality, 80.1% were Indian citizens (78.5% in Nairobi), 5.2% Pakistani (5.4% in Nairobi), and 14.7% (16.1% in Nairobi) of another nationality (calculations done according to census figures). There is no information on the age pyramid. In 1989, the *sex ratio* for the whole diaspora was more imbalanced in Nairobi (116 %) than in the whole of (112%) (Bocquier Ph., « Asians in Kenya: an urban minority. A brief overview based on the 1989 census », *Cahiers de l'IFRA*, 20, 2001, pp. 45–47). This information is too general to allow comments on the difficulties Indians faced in their endogamic practices.

TABLE 5: POPULATION OF INDIAN ORIGIN IN KENYA IN 2002

	Kenya	Nairobi	Mombasa	Others
Total	120000	65000	35000	20000
Hindus	75000	45000	16500	13500
Patel***	20000	13000	3000	4000
Jains***	16000	10500	4000	1500
Lohana***	5500	3000	1500	1000
Sikhs***	8000	4500	400	3100
Others / not counted *	25500	14000	7600	3900
Muslims	43000	18200	18300	6500
Sunnis*	23000	5900	13300	3800
Ismailis**	10000	8000	1000	1000
Bohra**	6500	2500	3000 (?)	1000 (?)
Ithnasheri**	3500	1800	1000 (?)	700 (?)
Christians***	2000	1800	200	—

Sources: studies done in 2001 and 2002 by the author.

* Author's evaluation.

** Approximate evaluation of representative institutions.

*** Figures from the Hindu Council.

Almost all the social and religious communities existing in India are represented, albeit in proportions that don't exactly reflect the situation of the former homeland. Whereas Muslims—and inside the Muslim group, Shiites—number in Kenya a higher proportion than in India (35% to 40% of Muslims instead of 14%; 46% of Shiites instead of 15%), the populations of medium status and lower status—corresponding notably to the *vaishya* category in Hindus—are over-represented (no certainty can be established concerning these affiliations).²³ Inside the locally said 'Hindu' group, the proportion of breakaway and dissident organisations (Jains, Sikhs, etc.) is abnormally high (35% of the total instead of 7% in India; 22.9% of Jains instead of 0.3% in India).²⁴

TABLE 6: PROPORTION OF BREAKAWAY AND DISSIDENT RELIGIOUS GROUPS COMPARED TO THE INDIAN HINDU POPULATION (2002)

	Kenya		Nairobi		India
Jains	16000	21.5%	10500	22.9%	0.7%
Sikhs	8000	10.7%	4500	10%	2%
Others (Swaminarayan, Arya Samaj, etc.)	2000	2.8%	1600	4.1%	4.3%
Total		35%		37%	7%

Source: Studies by the author

23 The proportion of Indian Muslims in Kenya has risen since the beginning of the 1960s (22.7% in 1962 according to Gregory R. *op. cit.* p. 12), essentially to the detriment of Sikhs and Christians.

24 Among some of the explanations advanced for the low proportion of orthodox Hindus in Kenya is the prohibition by the laws of Manu to cross the seas and oceans under pain of losing status leading to a reincarnation. Without excluding this hypothesis, its validation should be carried out in Indian diaspora all over the world.

To these regional, religious and statutory distortions specific to the Indo-Kenyan diaspora an economic distortion has appeared with time that was caused in particular by the exceptional promotion of the most humble immigrants. Whatever their status of origin, Indo-Kenyans in Kenya occupy, as mentioned before, principal economic positions, which make them the main figures in commerce and industry.

Indo-Kenyans are organised in about a hundred associative communities, regrouped in federations in accordance with three criteria; religious affiliation, region of origin and socio-professional status. This last variable, which is less explicit in Muslims and dissident Hindus, is systematically present in orthodox Hindus in the form of caste affiliation (*varna* or 'colour') and more so for sub-castes (*jati* or *gnati*). Following distinctions established by the laws of Manu, there are four *varnas* in the symbolic panorama which govern the divisions of Hindu society: the *brahmans* (priests), the *kshatryas* (warriors, holders of political power), the *vaishyas* (farmers, artisans, traders), the *sudras* (servants). The *varnas* are again divided into a multitude of sub-castes, without speaking of two categories present in India (but formally absent in Kenya) of untouchables (non-*varna*, called *harijan* or *dalit* in India, excluded, in principle, from the caste system) and aboriginals (animists belonging to national minorities). Whereas Islam rejects the principle of castes and its corollary, metempsychosis, Indian Muslims acknowledge the existence of this statutory division, as well as sharing multiple cultural characteristics with Hindus: common languages, social etiquette and lay rituals, dress and body aesthetics, feeding habits, music and dance, architecture and furnishings, etc.

TABLE 7: GROWTH OF THE INDIAN POPULATION IN KENYA
BY COMMUNITY OF AFFILIATION

	Hindus	Muslims*	Sikhs	Christians	Others
1931	19748 (45.3%)	15006 (34.4%)	4427 (10.1%)	4131 (9.5%)	311 (0.7%)
1948	51395 (52.6%)	27585 (28.2%)	10621 (10.9%)	7613 (7.8%)	473 (0.5%)
1962	97841 (55.4%)	40057 (22.7%)	21169 (12 %)	16 524 (9.3%)	1022 (0.6%)
1999**	56 %	35.8%	6.6%	1.6%	—

Sources: Ominde S.H. (ed.) 1984, *Population and Development in Kenya*. Nairobi, Heinemann, p. 35 and author's evaluations.

*Whereas the proportion of Hindus increases regularly, the proportion of Muslims diminished until 1962 before rising again later.

** Author's evaluation.

TABLE 8: INDO-KENYAN COMMUNITIES IN KENYA AND IN NAIROBI (2002)

	Nairobi	Kenya
Hindus		
Brahmans	700	1,500
Kshatrya Rajput	100	100
Lohana (traders)	3,000	5,500
Bathia (ship brokers)	50	200
Patel (traders, ex-peasants)	13,000	20,000
(including Swâminarayan)	650	1000
Bhoi (transporters)	0	50
Wanza Darji (tailors)	850	100
Gurjar Sutar (carpenters)	100	130
Dhobi (launderers)	150	300
Mochi (shoe makers)	230	245
Nayee (barbers)	350	400
Luhar (blacksmiths)	0	50
Soni (goldsmiths)	500	700
Kumbhar (potters)	300	500
Punjabi Arya Samaj		
(regional religious group hostile to castes)	1,000	1,500
Maharashtra Mandal (regional group)	350	400
Dissident Hindus		
Jains	10,500	16,000
(of which Oshwal)	9,000	12,000
Sikhs	4,500	8,000
Sunni Muslims		
Balutchi (soldiers)	50	150
Cutchi		
(Badala, Kumbhar, Luhar, Hajam, Dhobi)	2,000	7,500
Kokni (sailors)	100	400
Memon (traders)	1,500	5,000
Punjabi	2,200	10,000
Shiite Muslims		
Ismailis	8,000	10,000
Bohra	2,500	6,500
Ithnasheri	1,800	3,500
Parsis	50	50
Christians	1,800	2,000

Source: Studies by the author.

THE HINDU GROUP

As the majority of Indo-Kenyans in Kenya, Hindus are also the majority in Nairobi where they represent about 45,000 people, that is 70% (if we include Sikhs) of the total Indo-Kenyans. An example of the federating organisation specific to situations of the diaspora (but not so imaginable in India), the Hindu Council of Kenya (HCK) regroups orthodox Hindus, still called Dharmist (around 50,000 people), Jains (16,000 people in Kenya), Sikhs (about 8000 people), as well as various adepts of minority Hindu sects (Arya Samaj, Swaminarayan, etc).

Within the Hindu group, about forty organisations correspond to the class divisions often characterised by regional grouping (*brahmin* and *kshatrya*, as well as different *jati* or sub-castes specific to the large categories of *vaishya* and of *sudra*). These status communities often worship specific local gods and pledge loyalty to particular gurus). These associations, the non-abolished contemporary carry-overs of the ancient caste system in the diaspora, cope well with the reformist organisations already mentioned (the Jains, Sikhs, etc), whose doctrinal dynamic is often based on the rejection of castes.

Despite forming one of the pillars of the caste system, the principle of hereditary specialisation can be subject to major distortions. When these transformations of status occur in an ascending manner, they are often accompanied by a genealogical fiction aimed at masking the breaching of the rule of heredity.²⁵ The favourable immigration conditions offered to Indians in Kenya contributed to a general amnesia as far as origin and caste were concerned. That probably explains the unusually high proportion of *vaishya* groups (which form more than 90% of the total Hindus) as well as the unusual absence of declared *sudras* (and therefore of untouchables) in the inventory of autonyms.

Hindus have about thirty temples in Nairobi, almost the same number of academic establishments and a dozen meeting places (clubs, sports grounds, halls, etc.). Among the most prominent Hindu communities are the Lohanas, Patels (orthodox), Jains and the Sikhs (dissidents). Besides these communities, other ultra-minority dissident Hindus exercise a major religious influence. They are the Arya Samaj and the Swaminarayan.

The **Lohanas** carry the name of one of the 18 *kshatrya* sub-castes. However, depending on their region of origin in India, the Lohanas claim to come from different *varna*: in the Sindh, they recognize themselves as *vaishya*; in the Cutch, they claim to be *kshatrya* and sometimes *brahmans*.²⁶ In Kenya, they constitute a large community of at least 5500 people (3000 in Nairobi, 900 in Kisumu, 1,500 in Mombasa), most coming from Gujarat (Kathiawar).

25 Bouglé Célestin, *Essais sur le régime des castes*, Paris, PUF, (1935) 1969, pp. 11–26, and in particular 19n.

26 Lachaiet P. *Firmes et entreprises en Inde. La firme lignagère dans ses réseaux*. Pondichéry, Institut français de Pondichéry, Paris, École française d'Extrême-Orient, 1999, pp. 52–53.

For most, their ancestors were merchant-traders in textiles who immigrated to Zanzibar during the XIXth century and then settled in Mombasa, Nairobi, in Western Kenya (Kisumu, Kisii, Nakuru) and in Kampala. Militant Hindus, the Lohanas represent a prosperous and influential fraction of Nairobi Hindus.

Originating from a sub-caste of farmers from the Gujarat, the Patidars, or **Patels**, claim to come from a distant and vague *kshatriya* origin. Having served in numbers as civil servants for the mogul administration, they were in the XIXth century recruited in the same functions by the British. That is how they settled in Kenya as the first immigrants. Despite there having been some Patels hired as railway construction workers and others seduced by the aborted small agricultural colony project, most of the Patels of today are the descendants of traders and of artisans (masons) who arrived in Kenya between the two world wars or after the Second World War. Numbering about 20,000 in Kenya (13,000 in Nairobi), the Patels are divided into two main communities of unequal rank: the **Kaira Leva Patels** from the region of Kathiawar have the highest status (civil servants, engineers, teachers, etc). They are about 2500 in Nairobi and 800 in Mombasa. The **Cutchi Leva Patels**, much more in number (10,500 in Nairobi, 2200 in Mombasa), have a lower status. For some Kaira Leva, they cannot be considered as Patels. While they were ensuring their economic promotion, a number of Cutchi Leva Patels renounced their occupation as shopkeepers to become entrepreneurs (especially the former masons). Whereas the Kaira Leva are all orthodox Hindus, the Cutchi are in part adepts of the Swaminarayan sect. As most of the other Indo-Kenyan communities, the Patels have not given up their customary ties though they display their (economic) success in clubs and other social places. Rumour has it that they also participate in Freemason organisations.

The **Jains** represent the largest dissident Hindu community. Jainism or jinism first appeared in the Vth century B.C. in Bihar, in the North-West of Bengal, under the impulsion of a wise man of *kshatriya* origin, Vardhamana Mahavir ('the great hero'), also called Jina ('the conqueror'). Contemporary to Buddhism and originally from the same region, Jainism is often compared to the former, expressing at the time a rebellion against the supremacy of Brahmans and the caste system. Buddhism and Jainism also have in common an ascetic philosophy on the mastering of passions (as the sect founder's name evokes) as well as a doctrine of absolute respect of all forms of life and of non-violence (*ahimsa*). Very early in India, the Jains engaged in commercial activities, mostly banking (money changers, money lenders, etc). In the XVIIth century, many of them were exercising the functions of moneylenders to the Moghul sovereigns. Not being prohibited, like the orthodox Hindus, from crossing the oceans (which might result in impure encounters and contacts), the Jains also got into ocean trading, in particular to Zanzibar where their representatives were many in the XIXth century.

At a number of about 16,000 people (10,500 in Nairobi, 4000 in Mombasa), the Jains of Kenya are sometimes called *Banya* or *Banyan* (from Gujarati *banya* or *vaniya*: merchants) or still *Shah*, this patronym (also carried by many Muslims from the North of India) is wide spread within their group.²⁷ For most of them having come from Gujarat, where their ancestors played a major role in the setting up of the first industries in India (in particular the spinning of cotton and silk), they represent today the most important and one of the richest Indian communities of Kenya. They mainly belong to two regional groups (*vanik*): the *Navnats* (2000 people spread between Mombasa and Nairobi) and the *Oshwals* (12,000 of whom 9000 in Nairobi).

Originating from the city of *Oshia* (Rajasthan), the **Oshwals** then migrated to the region of *Jamnagar*, in *Kathiawar* (Gujarat). Out of 70,000 people who today compose the small Oshwal community, only half live in India (a part of which lives in the Bombay region), the rest are dispersed between the United States (20,000), Canada (5000) and Kenya. Initially, settled in Mombasa, the Oshwals of Kenya settled mainly in the Central Province and around Mount Kenya (Nairobi, Thika, Muranga, Nyeri, Meru). Other Oshwals settled along the railway (Nakuru, Eldoret, Kisumu). Very quickly, the Oshwals acquired a dominant position in the textile trade where they competed with the *Lohanas* (in 1916, 95% of these small bazaar businesses were owned by Oshwals).²⁸ From the 1930s, some Oshwals converted to the small metal industry (aluminium utensils), especially in Thika.²⁹ Other families got into banking and import-export, thus going back to a tradition common with the Jains in general. The Oshwals form a powerful association (the *Visa Oshwal Community*) and possess numerous religious edifices in Kenya. One of these is the famous Jain temple in Mombasa, built in 1963. In Nairobi (Pangani and Parklands estates), the Oshwals have built many temples, among the most opulent in the city.

Despite their regional and religious divisions, the Jains of Kenya form a very close-knit community and are rather withdrawn to themselves though recently they have tolerated marriages with orthodox Hindus. However, from a strictly religious point of view, Jainism is on the decline in the new generation due to the absence of religious education and clergy.

The **Sikhs** are, as we know, a religious community of a syncretistic nature born in the XVth century in the Punjab from the confrontation of Hinduism and Islam. The Sikhs believe in one God, creator of the universe. This God is not incarnate; no representation of him is possible. The destiny of each human being and the number of successive rebirths before acceding to

27 Salvadori, C., *op. cit.* p. 174.

28 *Ibidem.* p. 175.

29 *Ibidem.*

nirvana are determined by his/her actions (*karma*). No ritual, prayer, ascetic renunciation nor intermediary (guru, etc) can give the path of access to just actions, only divine grace (*sahj*) to which one accedes by means of internal experience and meditation can do so. Having suffered from the persecution of Moghul sovereigns, the Sikhs, in the XVIIth century, transformed themselves into an armed movement, the 'Khalsa lions of the Punjab' (*singh*), adopting an emblem with two swords, encouraging the disciples to abandon vegetarianism. Since then, each Sikh is in principle supposed to respect the five Singh principles (also called 'the five Ks') of: *kesb* (long hair held in a turban), *kangha* (comb), *kachha* (loin cloth), *kara* (steel bracelet), *kirpan* (stabbing sword). The Sikhs proclaim themselves to be mindful of the equality of men and women, the latter being allowed to divorce and remarry (a declaration of principle which, if it is little respected, for a long time put members of this community in the front line of feminine emancipation in India).

Like most of the syncretistic movements, Sikhism is not exempt from contradictions resulting from difficulties in reconciling irreconcilable cultural realities. Despite their claims of ignoring stratification by caste, Sikhs are divided into several groups that are socially distinct. The Jats or Zamindars represent the former farmer-soldiers from the Punjab, who are from the *kshatrya* aristocracy. The Ramgarhia (among who there is a religious minority called Namdhari) form the common people (Tarkhan or carpenters, Raj, masons, Lohar or Luhar, blacksmiths). Below these, there are the Ahluwalia (potters), the Julahaz (cloth weavers) and lastly the descendants of untouchables: sweepers, launderers, shoemakers, peddlers, minstrels and musicians. Between these different categories, the relations are subject, in fact if not in principle, to certain restrictions: frequency of distinct temples, endogamy, etc. Furthermore, and in contradiction with their renunciation of Brahminical rituals, orthodox Sikhs celebrate, together with Hindus, numerous festivals and holidays in the Hindu calendar in which the traditional gods (Vishnu, Krishna, Rama, etc) are considered simple epic heroes.

After rebelling against the British occupation, the Sikhs (especially the Zamindars) formed the backbone of the Army of India, composing more than a third of its numbers. It is as soldiers and policemen that some Sikhs settled in East Africa (Kenya and Uganda). After the creation of the *King's Africa Rifles* (famous regiment of foot soldiers of the colonial army), many demobilised Sikhs chose to remain in the country. Another fraction of Sikhs came to Kenya as workers for the railway: masons, carpenters and especially blacksmiths and mechanics. In the extension of their former trades, the promotion of the new arrivals was fast and spectacular. Today, one can meet among the Sikhs many public works entrepreneurs, traders in building timber, furniture makers, owners of garages and vehicle repair workshops.

The class distinction between the Zamindar (former demobilised soldiers), the Ramgarhia and other categories has not disappeared, each of these communities forming separate associations (Singh Sabha, Ramgarhia Sabha).

Reaching 20,000 people in the 1960s, the Sikh community today does not exceed 8,000 people, 4,500 of whom live in Nairobi and only 400 in Mombasa. Despite many Africans thinking that Sikhs are skilful businessmen and without concession, the fact that a strong minority of them (about 40%) live in secondary towns can be interpreted as a sign of a socio-cultural integration higher than average for communities of Indian origin. In principle followers of an unrestricted exogamy, Sikhs practise it always in the way of masculine hypergamy (they accept African women for wives but refuse to allow their women to marry African men). Such ultra minority mixed couples have existed for some time especially in the region of Meru.

Muslims

Representing a small part of the 2.3 million Kenyan Muslims, the Indo-Kenyan Muslims (about 43,000 people) are divided into two main communities: the Sunnis (about 23,000) and the Shiites (20,000). The relatively large number of Shiites is a trait specific to Indo-Kenyans, their being a minority in India.

Independently of their own institutions (especially these of the Ismailis), Indo-Kenyan Muslims participate in the country's Muslim institutions within which they play an important role: the Supreme Council of Kenya Muslims (representation of Muslim interests before the Kenyan government), the Islamic Foundation (Sunni organisation for aid to the poor dominated by the Punjabi), the East African Muslim Welfare Association (organisation controlled by Ismailis and which contributes to the financing of mosques, schools, social and health services), the Youth Muslim Association (especially responsible for organising the pilgrimage to Mecca).

For the most part originally from the two regions of Gujarat and Punjab, the **Sunnis** form a relatively united group in which there is a majority of traders and artisans of a rather modest condition. With the exception of the Kokni, they are all adepts of the *hanafi* or hanefite ritual, which is an ultra minority in East Africa. The Sunnis form very varied regional groups (Balutchi, Cutchi, Kokni, Memon, Punjabi, Surti, etc); themselves subdivided into professional sub groups similar to Hindu *jati*. Very few in Nairobi, the Sunnis are mainly represented by three groups: the **Cutchis**, the **Memons** and the **Punjabis**.

At 6,000 to 8,000 in Kenya and originally from the region of Cutch (north-west of Gujarat), the Cutchis come from a Hindu *Sudra* group converted to Islam in the XVIth century under the influence of Soufi missionaries.³⁰ The Cutchis have entirely preserved their corporate type organisation, a direct legacy of ancient sub-castes (whose names also

30 Salvadori, C. *op. cit.* p. 189.

continue to exist). Nineteen communities (*jamaat*) are represented in Kenya; most of them can be confused by name with Hindu *jatis*. For a large majority settled in the city of Mombasa (old town and southern areas), the Cutchis are equally present in the less affluent estates of Nairobi where they generally exercise the profession of small traders. They have the reputation of being conservative in all regards, especially in matters pertaining to feminine advancement. Cohabiting with the Swahilis, they practice both endogamy by caste and preferential endogamy within the family inherited from the Arab endogamy model (marriage of Ego with the parallel patrilineal female cousin).

Descending from converted Lohanas living in the Sindh in the XVth century and then later dispersed to the North-West of India, the Memons (from *momeen*: 'faithful') are divided into three groups: the Halai (from Kathiawar in the Gujarat), the Akai (from Cutch) and the Nasserpuria (from Sindh, then settled in Cutch). In Kenya, the Akais (1,000 people) and the Nasserpurias (4,000 people) are the majority, the Halais being today reduced to a group of some families.³¹ Like the Lohanas, the Memons are merchants in textiles, an activity that has remained unchanged for centuries. Similar in that to other Indian Muslims, they have preserved Hindu customs contrary to Islam. It is thus that they refuse any form of inheritance for women. Whereas the Nasserpurias are mostly settled in Mombasa (3,000 people for 1,000 in Nairobi), the Akais and the Halais have set up businesses all over the North-East of Kenya (Meru, Isiolo, Marsabit, North-Eastern province).

At about 10,000 in Kenya, the **Punjabi** Sunnis immigrated at the beginning of the XXth century as contractual workers belonging to various bodies of trade. Like most of the Punjabis, they declare their reluctance regarding caste prejudices, have liberal opinions and do not have any association of their own. The Punjabis, who today are prosperous traders (2,500 in Nairobi), are known in Kenya for having greatly contributed to the construction of many mosques, in particular the big Jamia mosque in Nairobi. They organise various cultural and literary associations, often in collaboration with other Punjabis of Hindu or Sikh faith. Among the Punjabis, a small group of Kashmiris maintains an autonomous association.

As we have already mentioned, despite there practically being no Shiite adepts among Arabo-Kenyans and the Swahilis, the presence of Shiism—and of **Shiites**—is longstanding in Kenya, starting with that of the Shirazis. As the former—and different from the Sunnis of the same origin—the Shiites from India arrived in Africa as traders, some, such as the Ismailis, already conversant in the important functions of brokerage and trade. Having a higher

31 *Ibidem*. p. 206.

economic and social level than Sunnis, but on average lower than that of Hindus in general, the Shiites in Kenya are represented by three communities: the Ismailis, the Bohras and the Ithnasheries.

Adepts of Ismaël, the eldest son of the VIth Imam (deceased in 765), the Ismailis form, within Shiite Islam, an original group, today essentially centred in India and whose number is about 3 million people. Despite having taken the name of Ismaili, the Nizarites, or disciples of the Aga Khan, are only a fraction of them. Locally, they are better known as Agakhanists so as to distinguish them from the Bohra group, equally Ismaili, but dissidents and a minority. The Nizarite Ismailis are currently dispersed in many countries (1,000 in the Indian peninsula, the rest in Africa, Middle-East, United States, Canada, Australia, Great Britain, etc).

Originally from Syria and Persia, the Ismailis settled in the North-West of India in several stages, but the main conversion movements took place in the XIVth century (Sindh, Gujarat, Maharashtra). Named Khoja (from *khwaja*: 'honourable person', title of respect), the Ismailis find their origins in the merchant Lohana class rather prosperous and not among the most humble castes, as was the case for a majority of Muslim Sunnis. Indian Ismailism rapidly adopted Hindu beliefs from the new converts. It is thus that in a work from the XVth century, popular with Hindus as with Ismailis (*Das Avatar*), Ali is presented as the second avatar of Vishnu and the Koran as the last of the Vedas. When each Imam dies, the 'divine light' with which he is endowed is transmitted to his successors. In such a manner the current Aga Khan today inherits this syncretic and miraculous identity. The syncretism, specific to Nizarites, was not questioned after the Aga Khan, initially settled in Persia, found refuge in India in 1840.

The Ismailis distinguish themselves from other Muslims in that they refuse a literal (or ethnic) interpretation of the Koran resulting from its cultural context in the Bedouin society of the VIIth century (so called *ẓahir* interpretation). On the contrary, they advocate an essential, transcultural or esoteric interpretation (the so-called *batin* interpretation). A process of apprenticeship and initiation feeds this non-conformist and "comprehensive" attitude. It leads the Ismailis to neglect a good number of the usual principals of Islam as they are noted for the reading of *baddith*, of *shari'a*, etc. However, Ismailis share with other Shiites a monarchical conception of religious organisation, the living imam, light of God, playing the role of supreme and infallible guide. Called *Noorani*, 'The Luminous', the Aga Khan is reputed to have no sin. His mandate cannot be questioned. All the collective properties belonging to the community are put under his exclusive tutelage and by fact become his quasi-property.

The hierarchical and quasi-brotherhood like organisation specific to Ismailis can be viewed in relation to their character as a religious minority exposed to persecutions in earlier times. Another aspect of Ismailis, however, is their entrepreneurial vocation which gives a particular illustration of these 'community groupings' (*gemeinde*) as we see in other examples in India, and especially with Jains and Sikhs.³² Their merchant origins, their lack of attachment to land, the tolerance they showed *vis-à-vis* lending with interest largely contributed to their ascension in financial and banking activities as well as in industrial companies.

The economic activity of Ismailis cannot be dissociated with their corporate and religious organisation. In fact, the Khoja pay legal alms or *zakat*, a part of which is remitted to the Aga Khan. In accordance with the *tariqah* (*batin* interpretation of the shari'a), they also require the payment of an annual tithe called *dasand*. However, since his settling in India more than one century and a half ago, the Aga Khan has made an immense fortune that makes him largely independent from contributions of the faithful's revenues.

By the medium of their relations in Oman and in Yemen, the Nizarites engaged in ocean trade in the Indian Ocean region controlled by the Arab principalities. At the end of the XIXth century there were very many Ismaili traders on the Eastern coast of Africa, especially in Zanzibar, Lamu and in Mombasa. From 1888, the Khoja built their first association centre (*jamatkhana*), in Mombasa; the first step of settling which was to spread over all of Kenya. During the colonial period, the Ismailis benefited from a particular consideration from the British given their modernist character and also because of their already established financial power. That is why their numbers never stopped growing to reach 20,000 people in the 1960s, representing, with the Sikhs and the Patels, the largest immigrant Indian communities. Despite a strong demographic reflux (the community today counts about 10,000 people, of which 8,000 are in Nairobi, 1,000 in Mombasa, 700 in Kisumu), the Agakhanist Ismailis in Kenya continue to occupy major economic positions. Majority shareholder in the liberal newspaper *The Nation*, in Kenya the Aga Khan controls a part of the hotel industry (notably the chain of Serena Hotels). Ismailis are equally present in multiple sectors of activity: higher learning and research, medicine and liberal professions, journalism, etc.

Forming in the world a 'quasi-nation' without territory, administered by a theocracy (the high council of Ismailis established in France under the direction of the Aga Khan), submitted to para-fiscal demands and largely beneficiary of its services, the Ismaili diaspora is exposed, more than other Indian groups, to criticism of cosmopolitanism. It is to these critics that the

32 Weber, Max, *Sociologie des religions*, Paris, Gallimard, 1996, pp. 167–176.

philanthropic expansion of para-governmental institutions maintained by the community answers: health and medical assistance programmes, architectural conservation and restoration programmes (such as the Aga Khan Award for Architecture), environmental protection, promotion and modernisation of Islamic studies to non-Isma'ilis (Institute of Ismaili Studies). In Nairobi, the Aga Khan Foundation is the origin of the Aga Khan Hospital, one of the most modern hospitals in the country whose services, though expensive, are open to the general public.

Since the expulsion of Ismailis from Zanzibar in 1964, Nairobi has become the headquarters of the regional council for East Africa regrouping many community institutions: the Ismailia Supreme Council, the Tariqah and Religious Education Board (organism in charge of publishing, in particular, the periodical *Africa Isma'eli*), the Aga Khan Foundation, etc.

Second in importance among the Shiites of Kenya, the **Bohra Ismailis** (by their true name Tayyibi Dawoodi) are the descendants of a fraction of orthodox Ismailis who seceded in the beginning of the XIIth century, just after the fall of the Fatimids. Having sought refuge in Yemen, the Tayyibis (disciples of Imam Al Tayyib, disappeared in 1132) became prosperous traders. Established in Gujarat, a group of religious Tayyibis formed a small core of converts among whom the myth of origin recognised various Brahman and *kshatrya* groups. Separated from the Yemenites in the XVIth century, the Tayyibis from India first adopted the name *bohra* (derived from 'merchant' in gujarati), which later became the group's family name. The Tayyibis of Yemen, reduced to a very small number, took the name of Sulaymani. Initially concentrated in Ahmedabad, the Indian community suffered from persecutions under the Moghul sovereign and dispersed in all the Gujarat and upto Bombay.³³

As opposed to the Nizarite Ismailis, the Bohra (as well as the Ithnasheri) do not give allegiance to imams; the twenty-first imam, Al Tayib, having according to their beliefs disappeared before his death. While waiting for his 'reappearance', they recognise as supreme leader a kind of interim imam, who is considered a simple representative of the 'hidden imam'. In reality, this representative, called Dai (missionary), possesses many supernatural attributes. Reputed to be infallible, he has the esoteric knowledge of interpreting the Koran. He is surrounded by various assessors (Mazoon, Mukasir, Sheikh, Mullah) having attained high levels of initiation (*ilm al batin*). Despite his function not being hereditary, he designates his successor before his death, usually from members of his family.³⁴

33 Salvadori, C., *op.cit.* p. 256.

34 Referred to by the respectable title of Mutlaq (*His Holiness*), the current Dai, Syldna Muhammed Buhranuddin (52nd in line), was born in 1915 and was sought out as an advisor in 1966. Same as for the Niazarites' Aga Khan, he is frequently consulted about events in the daily lives of his faithful (choosing a spouse, undertaking an investment, etc). The Dai made a remarkable visit to Kenya in January 2002.

For the other part of their doctrine, the Bohra are not different from Ismailis apart from a greater rigour in morals. Like other Ismailis, the Bohra believe in an esoteric interpretation of the Koran. Known only to them, this must remain secret, despite part of it being well-known to the outside, such as the refusal of the holy war, the *jihad*, which to them is a war for each believer's conscience. There are in the Bohra doctrine of salvation certain aspects which bring to mind Calvinism, a puritan Anglo-Saxon version. Bohras are in principle held to respect strict *sharia*: no tobacco, alcohol, neither gambling nor loaning with interest. Men are supposed to wear a beard and an Islamic cap; women must cover their head with the *rida*.³⁵

After the Ismailis and the Jains, the Dawoodi Bohras were among the three main Indian communities to settle in Zanzibar and in Lamu in the XIXth century.³⁶ Representatives in Kenya of a community already largely dispersed all over the world (1 million people, 800,000 India and in Pakistan and the rest in East Africa, Great Britain, Canada and the United States), the Bohras are 2,500 in Nairobi (6,500 to 8,000 in Kenya with less than 3,000 in Mombasa). Initially traders in all sorts of products, they acquired a speciality in the sale of hardware and glass products before getting into construction and real estate. At a smaller scale, the Bohras' organisation is similar to that of the Ismailis. In Nairobi, they possess two main mosques, many schools, a clinic, a sports club, a women's association, a youth movement, a consumers' cooperative society, etc. Like the Ismailis (and without doubt for the same reasons), the Bohras also contribute to different philanthropic organisations. They were amongst the first to construct mosques at the coast.

Besides orthodox Bohra in Kenya, there is a minute community of **Reformist Bohras** (about 200 people in total in Nairobi). Created in 1910 in India, this modernist movement (about 10,000 people in India and in the diaspora) present numerous analogies with Agakhanism; however they resist the theological message and autocratic government. This last criticism is equally addressed to orthodox Bohras. Reformist Bohras are partisans of a democratic Islam and in Kenya they are mostly represented by members of the intellectual *bourgeoisie* and merchants (lawyers, doctors, etc). The Reformist Bohras are also known for their advocating for the emancipation of women.

35 After having in the XIIth century chosen a woman as the first Dai in their history, the Bohra were advocating the equality of the sexes, a proposition in principle that translates into the limited access of women to mosques. They are the only Indian Muslims who practise excision, a custom probably inherited from their ancient religious Fatimid or Yemenite origin (Salvadori, C., *op. cit.* p. 265). Strongly contested by the young women of the new generation, this custom is disappearing. From their supposed Brahman origins, the Bohra conserve strong prohibitions in matters to do with food, such as observing a vegetarian diet.

36 In Lamu, according to Salvadori (*op. cit.* p. 257), we find in 1874 Bohra traders specialised in the

If one wants to meet Indian Muslim women who are learned, independent, single or divorced, exercising a profession, detached from religion, engaged in political movements and associations, free to cut their hair and to dress in western clothes, it is in the Reformist Bohra community (and to a lesser extent the Ismaili community) that one can find them. Despite the small number, the Reformist Bohras in Kenya have a non-negligible social and political position, given their militant engagement in favour of integration as citizens. Of all Indians, it is they together with Ismailis who frequent European society the most, which leads to radical Muslims accusing them of wanting to ‘ape’ the westerners.

The **Ithnasheri** (literally ‘the faithful twelve’), the Ithnasheri Khoja, are in Kenya the representatives of Imamite Shiism, which constitutes 90% of the Shiites in the world, of which 25 million are in Pakistan and 10 to 15 million in India. The Imamite Shiites are different from Ismailis for having followed the wishes of the VIth Imam Jafar who, ignoring his eldest son Ismaël, designated his youngest son Musa el Kasim to be his successor. However, the Ithnasheri of Kenya have a specific identity. In fact, they are the descendants of Khoja Ismailis who entered into conflict with the Aga Khan just after he arrived in India and who after being expelled from the Agakhanist movement in 1866, joined the dominant Shiite movement.³⁷ Though the new converts were always willing to follow the most rigorous principles of the Imamite movement, the circumstances of their unexpected “conversion” explains why, unlike Shiites of the older belief, they have not totally abandoned practices specific to Ismailism (from whom they retain the name Khoja, in order to differentiate them from **Imamites** in general). Like Ismailis, the Ithnasheri arrived in East Africa as traders, but their dispersion was material from the first years of the XXth century (Zanzibar, Comoros, Madagascar, Reunion, Mauritius, Lamu, Mombasa, Mogadishu, Dar es Salaam, Rwanda, Burundi and Congo-Kivu). Initially specialised in the purchase and sale of agricultural produce (cotton, coffee, sisal), they diversified their activities (hardware, glass, furniture). In Kenya, their number never exceeded 5,000 people, today reduced to about 3,500 (1,000 in Mombasa, 1,800 in Nairobi).

Contrary to Ismailis, the Ithnasheri have a distended organisation that is known for its ultra conservative nature: separation of sexes at the age of nine; compulsory wearing of the *chador* for girls and exclusion from mosques; arranged marriages; strict endogamy, etc. Despite multiple declarations in favour of the promotion of women (accompanied it is true by the building of many girls’ secondary schools), the percentage of women involved in

37 Salvadori, C., *op cit.* p. 247.

professional life remains negligible. Originally from an ultra-minority group in India (125,000 people in the South of Gujarat and in Bombay), the Ithnasheri Khoja of Kenya have maintained few links with their country of origin, but maintain some contacts with their religious counterparts in Iraq and Iran.

The other religious communities

In Kenya, there exist representatives of Indian religious groups that are ultra-minority groups. Among them, the most important are the Parsis and the Christians.

Originally from Persia (hence the name Parsi or Farsi), the **Parsis** are former Zoroastrians who sought refuge in India in the Xth century. The Parsis believe in the existence of two antagonistic entities of which the first is good (Ahura Mazda) and is worshipped through fire rituals (worship also widespread among ancient Indo-Europeans). Any flame, symbol of purity, is treated with great respect, including the family fire. Smoking is prohibited. Each person keeps an oil lamp constantly lit in the house. In the Parsi temples, four fires burn representing the division of labour into four categories: priests, warriors, artisans, and peasants. The role of the priests is to keep the sacred fires burning with sandalwood.

Settled in North-West of India, (Gujarat and Maharashtra), the Parsis, following a complex history, oriented themselves towards trade, banking and later industry, sectors in which they today hold a dominant position in India (Tata, Bank of India, etc.). Is there a relation between the Parsis religion and their propensity to engage in this kind of profession? That is in any case the Weberian theory developed some years ago by an American anthropologist.³⁸ Quickly westernised (the first Indian to be knighted by the British was a Parsi), the Parsis (whose total number does not exceed 70,000 people, of whom half live outside the country) long ago adopted English as their domestic language and, to a certain point, as their religious language (the epitaphs on tombstones are written in English).

From the end of the XIXth century, the Parsis migrated to the British held territories of the Indian Ocean: Aden, Kenya, Zanzibar, South Africa. Although their number in Kenya has never exceeded 800 people (400 in Nairobi, 400 in Mombasa and Lamu), during the colonial period, the Parsis formed a bureaucratic and intellectual elite (bank workers, lawyers, doctors, architects). We previously mentioned the role played by Parsi architects in the construction in Nairobi of numerous public buildings.

The two tiny communities of Nairobi and Mombasa (about fifty people in all) are today what remain of this strong settlement. They each

38 Kennedy Jr, R.E. 'The Protestant Ethic and the Parsis', *American Journal of Sociology*, 68, 1962, pp. 11–20.

have their *anjuman* (local council), their temple, their cemetery (the Parsis no longer leave their dead outside as they did in the past) and their association. However, independently from its future in Kenya, the Parsi movement is threatened. Despite a modern way of thinking, the Parsis are still attached to the principle of endogamic intermarriages, the only way, in their eyes, to preserve their identity. Zoroastrianism is in fact a religion of the chosen ones and prohibits proselytising. Since it is difficult to imagine an external supply of faithful through spontaneous conversion and since religious endogamy is strictly forbidden, Zoroastrianism has by definition an ethno-hereditary character, all Parsis being of Persian origin. For this same reason, the number of Zoroastrian adepts is constantly on the decline.

With about 2,000 people, **Indo-Kenyan Christians** descend from a minority of 25 million Christians living in India, essentially in the western part of the country. We know that Christians in India are the descendants of two groups of converts; the first dates back to the early days of Christianity and are strongly influenced by dominant Hinduism; the second appeared after the XVIth century during the Portuguese occupation. The Indo-Christians of Kenya endorse the heritage of this double affiliation. Originally from Goa, they were initially Indo-Portuguese from whom they still preserve family names and certain cultural traits. Very much appreciated by the British because of their trilingual education (Portuguese, English, Hindi) and their capacity to assimilate European standards, the Goans were in the beginning of the XXth century the privileged recruits in the Kenyan and Ugandan public services, even imposing a sort of monopoly at the intermediate levels of local and regional administration (fiscal, customs, post services, etc.). Outside the public sector, Goans also exercised qualified functions destined to satisfy an exclusively European clientele and were jealous of its trust: there were among them doctors, pharmacists, nurses, cooks, tailors, etc., without mentioning those in the food industry for white settlers: grocers, bar owners and restaurateurs.³⁹

Whereas in 1962, Goans formed one of the largest Indian communities of Kenya (about 15,000 people), their numbers drastically reduced after independence due to the massive recruitment of Kenyan Africans into the public service. The majority of Goans went back to India, the younger ones taking their chance in England, the United States or Portugal.

Despite statements to the contrary, it would seem that Indo-Kenyan Christians have not entirely forgotten the caste affiliations. Grouped in one of the residential areas of Parklands in Nairobi, the former *kshatryas* (as well as a small minority claiming Brahmin ascendance) exercise intellectual professions

39 We know less about the financial contribution of Goans in the building of churches and Catholic schools in Kenya (especially the cathedrals in Nairobi and Mombasa).

(teachers, lawyers, doctors, architects, journalists, clergy). From more humble classes (and the only ones to have preserved the internal use of *kankani*, one of the vernacular languages of Kerala), the strong minority of tailors formed their own community organisation: the *Santo Francisco Xavier Goan Tailors Society*. Furthermore, in 1978, the entire Goan community created a sort of cultural society (the *Goan Culture Society*) destined to preserve the rich Indo-Portuguese musical heritage of that minority (kind of *fados* sung in two voices in Kankani, accompanied by the violin and drum).

THE INDO-KENYANS: A THREATENED MINORITY?

As previously mentioned, the Indians of Kenya were, during the colonial period, in an intermediate position (in terms of professional and socio-economic status) between the Europeans and the Africans. This group of people was present in jobs such as rendering services, communication, security, junior management and specialised production. Subjects of the Crown, they were not subject, like Kenyans of the Native Reserves, to the work permit regime (*kipande*). However, deprived of a certain part of the law applicable to British citizens, they were socially held in a subordinate position. The apartheid regime that was imposed on them limited their social promotion, it also prohibited them (by law or action) from accessing places that were frequented by the Europeans (schools, hospitals, clubs and sporting areas, restaurants, hotels, etc) and they were enclosed in a rigid context restricting them from any interaction with the former. Within the colonial context—and maintaining the social hierarchy and internal statutes—the Indian community, both castes and religions, found themselves in an equivalent situation as that of the intermediate castes in India, the Britons being therefore at the top of the hierarchy. Deprived of managerial posts and positions of power, and oppressed socially and ethnically in the yoke of imperialism, it dominated African society without being in a position to influence or control it.

There is an analogy with traditional India where the castes cohabit hierarchically but, except for the two extremities of the social spectrum, do not impose their power on one another. This without doubt contributed towards making the Indians in Kenya accept the colonial intermediaries without much protest, even though an active minority was to so resolutely support the independence movement. After independence, the legal provisions governing the community system were abolished. Principles of equality and democracy were put in place: equality by right for all citizens, the creation of a unique public learning system, universal voting, free access of all citizens, on merit, to all professional posts and political positions, abolition of ethnic and community divisions in relation to work, etc.

Called to choose between leaving the country and integration into an all-inclusive society and political system, the majority of Indians opted for a midway path, advocating settlement in the country but at the same time refusing complete integration. The Kenyan government decided to compromise so as not to put in danger the economic sector that was considered vital for the prosperity of the country. The compromise can be described in five points and continues to date:

1. Preservation of the original culture
2. Partial survival of community—legal divisions of work
3. Maintenance of community self-segregation
4. Weak social and political involvement
5. Contradictory links with India

Preservation of original cultures

The Indo-Kenyan sub-cultures include practices, norms and direct representation from the country of origin, which have been kept for close to a century. This is true for language, food styles, etiquette, body aesthetic, family organisation, systems and norms of education, religious beliefs, etc. Although these cultural ingredients are specific to each religious or regional community, as we have indicated, a number of these aspects remain common to the whole diaspora (we shall return to this point that has already been highlighted elsewhere).

Everyone knows that the components of a sub-culture, as with the Indian example, are bound to be transformed with time, not only due to their real dynamics, but also due to contact with the neighbouring sub-culture. The porosity of every culture therefore indicates its capacity to absorb externally. Two remarks can be made in this regard:

First an extraordinary intertwining of religious, socio-professional and regional ramifications (more than one hundred distinct associations in the country) indicates the will of the Indian immigrants in maintaining intact the socio-cultural identity of each community. If this build-up is appropriate to the situation of the diaspora (in which solidarity links are expressed more intensely within the restricted circles of the 'in group'), it also reveals the will to sustain typical segmentation in Kenya for Indian religious groups.

Second, it is worth noting that, although placed in an environment that is mainly African, the Indo-Kenyan sub-cultures from the last century hardly seem to have borrowed from their close neighbours. The most significant acquisitions (as is also the case for most African cultures) come from the western world, in particular, the Anglo-Saxon. Without prejudice of an ulterior analysis of the facts considered (in particular the beliefs and religious rituals), it will suffice to briefly state here the case of language, social and family organisation.

All Indo-Kenyans are polyglots. They all speak the vernacular language of their region of origin (Cutchi, Punjabi, Urdu, etc). These languages are used in the family for intra community communication. Through community associations, the learning of Hindi, one of the official languages of India, is spread and this allows them to maintain cultural contacts with the mother country. The Indo-Kenyans are familiar with Kiswahili, the national language in Kenya and commonly used for communication with Africans, especially in the professional context. Furthermore, in the small towns of Kenya, Indians speak the African vernacular languages (for example Gikuyu in the town of Nyeri or Kimeru in the town of Meru, just to mention a few examples known to the author). But this knowledge of African languages is not accompanied by any symbolical, aesthetic, literary or affective absorption and appears to be limited to daily communication. The language used for intercommunity communication is English. Moreover, the use of the English language appears to be extended beyond the communication between different vernacular groups. English is not only the language of social promotion across the country, it has also become the language for internal communications among some Ismailis, as well as in several families who consider themselves modern, especially within the youth or those who travel abroad.⁴⁰

On the other hand, the social and family organisations of the Indo-Kenyans follow complex modalities whose structure has hardly changed since the time of immigration. Often categorised in the indivisible family category (in reality an 'asymmetric community family' in Play's classification), the traditional family strongly resists the attempt of modernisation despite a strong juvenile protest that is influenced by Western models.

In the asymmetric community family model (joint family), brothers cohabit with their spouses and their children.⁴¹ The heritage is indivisible ownership between brothers (*bhay*) with the addition of, if the case arises, direct cousins, adopted boys and brothers-in-law (this model is named *mitakshara*, and is used in the North Western part of India). The last-born brothers who intend to leave the community must make a sacrifice on their part, receiving in return a small payment. If, for several decades, the members of the brotherhood renounced cohabitation *stricto sensu* (while more often still living in the same neighbourhood), that model is well illustrated in the management of the company. Under the strict supervision

40 The use of Indian languages is encouraged for the youth, given the existence of several FM radio stations and private television channels. Affiliated to KBC (*Kenya Broadcasting Corporation*), *East FM Radio* represents all the communities. It transmits in English and in Hindi, it employs several 'rockets' supposed to have mastered the usage of Hindi. Presented by the Hindus Lohana and financed by the advertisements of the Indo-Kenyan companies, *Sound Asia Radio* transmits in English and in Gujarati and in Hindi music programmes, interviews of the Indian people who are in charge as well as transmitting general information. These two Radio Stations show their entire neutral policy. Controlled by the Ismailis, *Nation TV* broadcasts their programmes in English, in Gujarati, in Hindi and in Arabic.

41 Kapadia K.M., *Marriage and Family in India*. Oxford, Oxford University Press, 1966 (1955).

of the patriarch (*bapuji*), brothers generally occupy the same office and share managerial responsibilities (financial management, human resources management, etc).

As mentioned previously, the part taken by the Ismaili and Bohra minorities in the social reformation leading to women's emancipation and the multiplication, at the margin of liberal circles of the matrimonial unions 'outside norms' and 'reconstituted families'. For the majority, to the contrary, endogamy through caste (an issue that will be discussed extensively) remains the norm and marriages in general continue to be subjected to the early arrangements. Among the Muslims (Shiites in particular), the preference for family endogamy (marriage of Ego with a female patrilineal parallel cousin) strengthens the cohesion of the group of brothers and reconstitutes the second generation of equivalence between brothers (siblings) and the brothers in law. Cases of divorce are very rare. Completely prohibited for Hindus (except in the case of Wanza Darji and, in theory, among the Sikhs), their occurrence is generally limited in Muslim communities by the mandatory intervention of conciliation institutions. Remarrying of widowers and divorcees is not permitted. In the majority of families, houses are not accessible to strangers, in particular for the male sex. Considered, with the cult areas and communities premises, as a privileged institution for the preservation of ancient traditions (in particular the food tradition, which is always maintained), the family remains under the leadership of a patriarch whose authority is not undermined.

Whereas in other countries they attempt to minimise the Indian diaspora (especially in South Africa), the caste system is present in Kenya without being obvious apart from the corporate world where they have contemporary expression.

No Indo-Kenyan will recognise the persistence of caste prejudice within the community. By outwardly showing their statutory origin, members of the superior castes keep to themselves. However, there are a few members of the lower castes who have not improved themselves, by, for example, reaching out to isolated traditional professions. Citing democratic principles, they are less prone to hide their origins, either by creating a falsified genealogy or, as we saw previously on the part of the *kshatrya* claimants, by suggesting that the situation of their ancestors could have contributed to a momentary and collective reduction of their former status.

Are the castes found in Kenya rapidly condemned to extinction? Analysis that was done more than forty years ago by the British anthropologist David Pocock, disassociated in this regard, the caste system—whose coherence, at the time, seemed compromised in Kenya—from the social reality of the status of the castes, whose persistence was being imposed in everyone's sight.⁴² This

42 Pocock, D.F. 'Difference in East Africa: a study of caste and religion in modern Indian society', *Southwestern Journal of Anthropology* XIII (2), 1957, pp. 289–300.

analysis does not appear completely obsolete today. This is what explains that it is less in the professional domain than in the matrimonial domain that the force of statutory registration produces these strong effects.

According to the classical analysis of Célestin Bouglé, the system of castes is organised in conformity to three principles of hierarchy, of hereditary specialisation and of reciprocal repulsion.⁴³ What is easy to verify is the fact that the first two principles can no longer be applied in the diaspora context. Whereas it forms a system, the social model of the castes functions correctly only if all the castes are represented in the respective order of hierarchy. The same applies to division of work and ritual exchanges prescribed by the symbolical order. Lacking this complementarity—which restricts each group to a particular area of activity—each caste is in a position to acquire a real economic and symbolic autonomy and thus progress beyond their original status. This is the current situation in Kenya, where, due to the hazards of immigration and the spread of communities (notably in small towns), some castes are over-represented. Examples are the Patels, the Lohana and the Banya. Others are completely missing or are very few in number. These include the *sudra*, as well as the ‘out-castes’ or the untouchables. Often, there are no control mechanisms or regulations to govern maintaining the *status quo*. What is therefore remaining in Kenya of the complex chain which, in the past, linked the ploughman to the cattleman, the cattleman to the tanner, to artisans and specialised traders, and all the groups to the representatives of the administrative, political and religious hierarchy? We can therefore understand, as we shall see later, the professional distortions that affect almost all castes, without exception.

These distortions, however, will not affect the honorific and ceremonial status of each caste and which appear to be the last guarantees of the symbolical hierarchy that is strongly defended by the superior castes. This is what corresponds to the survival of the third principle: the reciprocal repulsion, generator of avoidance and endogamy—should it be expressed with costly contortions of distant marriages and transactional relationship between the representatives of the fragmented groups.⁴⁴ We saw previously that, in a traditional context many times described by the authors, the collective statutory promotion is possible in India, more often when, on the occasion of a migration, the group members are simultaneously in a position to change profession and impose on their new entourage

43 Bouglé, C. *op. cit.* pp. 2–3.

44 In Kenya, the rule that prohibits to different members jati to share food is weak. For a Brahman, for instance, companionship at table is possible with the lohana (traders), bathia (traders), soni (goldsmith), darji (tailors); it is impossible with dhobi (launderer), mochi (cobblers) and kumbhar (potters).

the existence of these truncated genealogies. If, as we have stated, the first condition corresponds in Kenya to the trajectory of a number of pretenders in the social climb, the second one is less easy to fill due to the existence of inter-network knowledge specific to the North Western part of India, most of the immigrants coming from this region. The credibility of misrepresentation encounters a third difficulty. Any attempt to raise one's status obliges the ascending group to fashion its behaviour towards the Brahman ideal (vegetarianism, rules for personal relationships etc). However, this shift in daily behaviour comes face-to-face with the opportunistic needs of professional success. This suggests increased contact with other groups that are considered impure (Europeans and Africans). Under the circumstances of professional life, how can one avoid the occasional consumption of meat or alcohol etc.? The aspiration of rising in status is thus in contradiction with the desire for economic advancement as with the demands of being a part of the larger society.⁴⁵

Partial survival of the community – legal divisions of work

Mention has been made, earlier in the paper, about the community and legal division instituted by the British. Although the independence of the country shook this model from its roots despite promoting Africans and causing Europeans to retreat, the active social forces were led by the continuity of the advantages acquired and by the consolidation of the socio-cultural framework. This latter ensured their protection. This explains at least the partial survival of an ethno-religious division of labour affecting the Kenyan population as a whole, and the Indian diaspora in particular.

Families of Indian origin are involved commercially in 80% of the industrial area: construction, metal work, small scale mechanics, glass, chemistry and pharmaceutical products, food industries, textile and clothing, furnishing, assembling of cars and their components, electricity, wood and carpentry. A study carried out in 1997 by the French Trade Commission in the Kenyan French Embassy showed that Indians control 90% of commercial activities and a substantial fraction of industries. Major pressure groups within the Kenyan authorities, such as the Kenya Association of Manufacturers comprise 75 to 90% members of Indian origin.⁴⁶

45 On these status travesties in India, see Morris, H.S. 'Indians in East Africa: A study in a plural society', *British Journal of Sociology*, Sept. 1956, p. 203.

46 Département of foreign economic relations « La Présence économique indienne au Kenya (PEIK) », *Les Notes des Postes d'Expansion économique*, juin 1997, Nairobi ; Poste d'Expansion économique, p. 22.

TABLE 9: INDUSTRIES DOMINATED BY INDO-KENYANS

Textile industry	(90% of the investments: 50 spinning and weaving, 350 clothing companies): Industrial Plant (P.S. Sandhu) and other companies owned by Nitin Chandaria and Girish Chande
Pharmaceutical companies	(50 % of investments, of which two companies are fully managed by Indian capital: Cadila and UB Pharma
Food processing	Bidco Oil Refineries Ltd (V.B. Shah), United Millers Ltd (S.N. Shah), Mabati Rolling Mills (M. Chandaria), House of Manji (M. Manji), Miwani Sugar Co (Shekar Mehta)
Paper industry and packaging:	Panafrican Paper Mills Ltd (N.K. Mohatta), Prestige Packaging Ltd (B. Kantaria), Chandaria Industries (Maganlal Chandaria)
Plastics sector	Sumaria Industries (Shangani)
Tyres sector:	Firestone East Africa (Naushad Merali), Impala Tyres
Chemical industry sector	(Everyday Batteries (Naushad Merali)
Metal industries	Steel Africa Ltd (S.J. Shah), Kenya Aluminium Industrial Works Ltd and Africa Metal Co (Manu Chandaria)
Vehicle assembling and utilities passenger transport	Marshalls-Tata (at the time managed by Ketan Somaia), DT Dobie, Ashok-Leyland, Kamsons-Mahindra, CMC-Maruti
Printing	Several medium scale companies

Sources: Department of Foreign Economic Relations « La Présence économique indienne au Kenya (PEIK) », *Les Notes des Postes d'Expansion économique*, juin 1997, Nairobi; French Trade Commission and survey by the author.

Commitments of the Indian interests in the banking sector are considerable (24 banks out of 51 establishments whose five banks are of first class). Financial groups with the majority being Indo-Kenyan controls the insurance sector, a bigger part of import/export activities, another relatively big part in the hotel sector (Ismailis, Sikhs) as well as the daily printing firm Daily Nation (Ismailis). At diversified financial levels, the Indo-Kenyans hold almost a monopoly of major commercial activities and services: large and small scale commerce, housing transactions, computer services, advertisements, tourism agencies, garages and service stations, as well as one of the two biggest distribution chains (Nakumatt, managed by a Visa Oshwal group).

TABLE 10: BANKS AND INDO-KENYAN INSURANCE COMPANIES

1. Banks

- African Banking Corporation
- Akiba Bank** (Pandit), major bank
- Bank of Baroda
- Bank of India
- Biashara Bank (ex Suresh Shah, Oshwal, bought by I & N)
- Bullion Bank (under the control of the Central Bank of Kenya and the bank is under receivership)
- Chase Bank Kenya (Bipin Vora)
- Commerce Bank
- Commercial Bank of Africa** (Merali), the biggest Indian bank, the sixth Kenyan bank, 7 to 10 branches
- Credit Finance Corporation Bank (Jani)
- Delphis Bank (Somaia, under receivership)
- Diamond Trust (Manji and Aga Khan)
- Exchange Bank
- Export Bank of Africa
- Fidelity Commercial Bank (Khimji Sultan)
- Fina Bank** (Chandaria), a major bank, 6 to 7 branches
- First America Bank of Kenya (Merali)
- Giro Bank (Gidoomal)
- Guardian Bank (Chandari)
- Guilders Bank (under receivership)
- Industrial Promotion Service (Aga Khan), investment bank
- Investment and Mortgage Bank** (Sarit Suresh Raja), a major bank
- Middle East Bank** (Indo-Belgian), a major bank
- Pan African Bank (Pattni), declared bankrupt following the Pattni scandal
- Prime Bank (Kantaria)
- Reliance Bank (under receivership)
- Trust Bank (Mani Shah, under receivership)
- Universal Bank (Manilal Doodhia, and the Visa Oshwal family)
- Victoria Bank (Somaia, under receivership)

2. Insurance Companies

- Kenindia, the general insurance company is as a result of a merger, in 1978, of four Indian companies having branches in Kenya: This includes New India Insurance Co, United India Insurance Co, Oriental, Fire & General Insurance Co, Life Insurance Corporation of India. Kenindia is one of the biggest insurance companies in Kenya and East Africa
- Other Indo-Kenyan interests in the insurance sector: Aga Khan, Manu Chandaria, Naushad Merali (First Insurance Co), and Malindra Mehta

Source: Author's survey.

The Indo-Kenyans influence goes beyond the three sectors of production, distribution and services. In the town of Nairobi a simple analysis of the professional section of the telephone directory reveals that the representatives in the Indian diaspora are as follows, more than 30% of lawyers, experts in accounting and architects, 50% of doctors, 60% of surgeons-dentists. In proportions that have not been established, Kenyans from Indian origins are equally present in high public office and universities as well as among the management and directors of the airline companies.

Beyond the financial, legal and social characteristics, the power exercised by the members of the Indian diaspora in certain economic sectors is shown by the company capital as well as by the community aspects and largely nepotism nature as part of the recruitment policy for personnel. These factors are heritage oriented.

We mentioned the persistence of the community family undivided model in Kenya, spread in North India.⁴⁷ Furthermore, under the denomination not conforming to 'merchant lineage firm', Pierre Lachaier tried to describe the family business model spread in India in the Cutchi Lohana, but whose exact equivalent is observed in East Africa. Of family origin, the capital remains frequently concentrated in the hands of the founder (patriarch of the first generation), whereas the group of sons share administration and management functions, thus preparing for the growth of the company, which will leave, as far as possible, a place for each and every grandson. This striving for growth, which leads to many sons and business progression, is in keeping with the fact, according to Pierre Lachaier, that "*every Hindu is born with numerous debts*".⁴⁸ Sometimes called 'theological', these debts are signs of recognition of divinities (they are therefore paid in the form of sacrifices). Other founding entities, such as the wise visionaries of origin, the commentators of Veda or some ancestral figures (*sapinda*) ask for offerings, thus forcing every human being to enrich his capacity for oblation and sire sons in order to continue in their libations).⁴⁹

In a typical Indo-Kenyan company, the management cadres belong to the family circles or people from the same community in a restricted manner (same religious affiliation, same sub-caste, same region of origin) whereas the subordinate managers and intermediate level staff are recruited from wider community circles (belonging to other sub castes but from the same regional origin for instance). Though the Indo-Kenyan companies largely employ Africans, they are generally confined to functions of a subordinate nature. With a notable exception of certain Ismaili companies (press or hospitals), it is very rare to find Africans recruited to management positions or to a position which is bound to lead to promotion to a managerial post.

47 Kapadia, K.M. *op. cit.*

48 Lachaier, P. 'Le capitalisme lignager assigné aujourd'hui : the Kutchi Lohana traders from Maharashtra (Inde)', *Annales ESC*, XLVII (4-5), 1992, pp. 865-888.

49 *Ibid.*, p. 866.

Within the minority of the Indo-Kenyans, the old statutory divisions of labour (based on class) are maintained without affecting the economic promotion of professionals of a humble background due to the modernisation of techniques and concentration of capital.

Except for the case of some marginalised *rockets*, the persistence within the diaspora of some pockets of poverty appears partly linked, first, to reasons of caste affiliation. Less visible, because of their inclusion in old Indian neighbourhoods which have today been abandoned (in Nairobi, the most dilapidated areas are the estates of Kirinyaga or Pangani), poor Indians belong more often than not to the lowest caste: Gujarati Kumbhar (potters), Sunni Cutchi, etc, formed from badly matched groups: minor artisans, unskilled workers, service staff, long period job seekers, destitute old people. Because of their hidden situation, these marginal populations are difficult to account for fully.

Second, specialisation by caste is still perceptible in several professions. For example if the majority of Brahmans take up the professions (the law, university academic, banks etc.), on the opposite pole of the social hierarchy, lower castes take up jobs that in a symbolic way preserve their original status. Goldsmiths from the beginning, the Soni today dominate the watch making and jewellery businesses and they control the trade in precious stones; the Dhobi (dry cleaners) have the monopoly of the dry cleaning business; the Muchi (shoe makers and repairers) dominate the leather and shoe business (manufacturing, large and small scale commerce); the Lohana (traders in materials) and the Memon Sunnis (former Lohana converted to Islam) preserve their influence in the large scale textile industry whereas the Wanza Darji (tailors designers) are specialists in the clothing industry. The Sikhs Ramgarhia (Tarkhan, Raj, Luhar) are involved in the house construction industry and in the automobile sector (automobile engineering, sale of spare parts, service stations, etc.). Other categories have experienced changes of a more progressive nature. Owners of elegant salons in Nairobi, the Nayee (barbers) are also doctors and surgeons, a similar professional evolution as that experienced in Europe over the past three centuries. The Sutar, formerly carpenters, are today public works entrepreneurs, architects and engineers. In connection with the caste affiliation there are equally professional specializations attached—for circumstantial or doctrinal reasons—to some religious or regional origins. As observed by Goody, Hindus in general (and the dissidents in particular) do not share the same objection concerning loans with interest that Muslims do, whereas within themselves, the minority groups are reasonably tolerant in this regard.⁵⁰ Thus could be explained the strong proportion of the schismatic community among Indian merchants of East Africa, as well as their specialisation in certain business activities. In general,

50 Goody, J. *op. cit.* p. 152.

it appears that the Jains and the Ismailis have, just as in India, taken over the silver business, whereas the Bohra, the Ismailis and some Hindus are involved in the maritime business. Traditionally long time merchants, the Bohra (who, on their part, condemn loans with interest) have diversified their business activities, a section of them monopolising hardware and glassworks. For the Sunnis, some specialisations cannot be explained. The Cutchi (initially divided into a very large number of sub-castes) are generally small traders whereas their co-religion group, the Kokni (originally from Maharashtra) specialise in sea transport. Initially mercenaries in the British Army, the Sikhs Zamindar today take up rather intellectual professions (architecture, university etc.), but they have not abandoned the businesses already practiced by the popular fraction of Ramgarhia (public works and automobile sector).

Caste barriers have ceased to be an insurmountable obstacle. Intellectual professions are no longer a privilege of high standing castes.

TABLE 11: COMMUNITY POSITIONS IN SOME BUSINESS SECTORS
(WITHOUT EXCLUSIVE INVOLVEMENT OF REPRESENTATIVES FROM OTHER COMMUNITIES)

-Public works: Sikhs, Sutar, Bohra, Kokni, Cutchi Patel
-Power industry: Kokni
-Wood: Sikhs
-Leather: Muchi, Kokni
-Food industry: Jain Oshwal, Lohana
-Wood industry: Kokni
-Metallurgical industry: Jain Oshwal
- Industry and glasswork business: Bohra
-Plastic sector: Jain Oshwal
-Paper industry: Jain Oshwal
-Ironmongery: Bohra
-Automobile sector: Sikhs, Bathia
-Hotel industry: Agakhanists, Sikhs, Lohana
-Housing: Bohra, Sikhs
-Maritime business: Bohra, Bathia
-Goldsmith and jewellery: Soni
-Clothing business: Jain Oshwal, Lohana, Memon
-Clothing industry and cloth business: Wanza Darji, Goans
-Hair salons: Nayee
-Laundering: Dhobi
-Small enterprises: Cutchi Patel, Sunnites, Jain Oshwal
-Press: Agakhanists
-Banks: Agakhanists, Jain Oshwal, Parsis
-Lawyers, university dons: Brahmans, Agakhanists, Bohra, Arya Samaj, Goans
-Architects: Kokni, Sutar, Sikhs, Parsis
-Doctors: Nayee, Jain, Patel
-Engineers: Sikhs, Sutar

Source: Author's survey.

Maintenance of community self-segregation

Excluded by the British during the colonial period, the Indo Kenyans have spared no effort to avoid cohabitation with Africans, thus giving priority to intra-community social groups, imposing endogamy precepts and preserving residential segregation. There is a cultural gap that separates Indians and Africans. Whatever their religious attachment and their caste affiliation (this is particularly appropriate to Hindus and representatives of superior castes), Indians are repulsed by a number of African cultural features (animal sacrifices, consumption of beef, initiation rituals, funeral rituals, etc). Already subjected within their respective communities to certain forms of avoidance and endogamy, the Indians, say their defenders, could not be more tolerant of Africans. Given the apartheid principles in force at this time, such a situation did not shock Africans, who were also subject to the same segregated situation and suffering as the Indians were, especially in matters of citizenship.

In the contemporary era, the practice of 'separate development' expressed by the Africans' will to end the exclusion process. On the other hand, for the Indians, centripetal and protectionist bias maintained by all the communities was justified on several accounts:

- It was, in the eyes of the interested parties, a guarantee for the best preservation of cultural identity;
- It used to provide protection (both social and security) for every community—as well as for a minority—which the Kenyan State was incapable of doing; and
- Without endangering (or so they claimed) all Kenyans, it did not threaten the eventual citizen commitment in favour of collective development.

Residential segregation is the most visible form of self-segregation practised by Indo-Kenyans and those Indians living in Kenya. It is only in Nairobi that this segregation has acquired a remarkable status, without excluding any class or religious sub groups. Largely confined to the northeastern part of the city, the Indians share the same territory divided into several community perimeters. Some allotments are enclosed and provided with common services (gardening, waste collection, maintenance of the green areas, day care, etc). In these protected areas, which are not often frequented by Africans—except the domestic workers—the Indians live amongst themselves. They socialize and receive each other as citizens from the same miniature country.

Residential segregation has not diminished since independence due to the increasing distance between working areas (businesses, workshops, etc) and residential places. This is case, in Nairobi, for the majority of families who are traders in the town centre. Degradation of urban security contributes to the concentration of commercial activities in the well-protected neighbourhood. This is why (especially the west side of Moi Avenue where several businesses

are concentrated, Oshwal and Hindu in general) a good number of clothing business are shifting to the new business area of Westlands, which is located next to Parklands residential estate, exclusively occupied by Indians.

TABLE 12: INDIAN ESTATES IN NAIROBI

1. <i>Estate almost exclusively occupied by the Indo-Kenyans:</i> -Parklands (all communities of middle class and higher class, in particular Hindus, Oshwal and Ismailis): residential estate that groups together several Indo-Kenyans institutions (temples, schools, hospitals, clubs, etc.) as well as the major Indian commercial centre the Diamond Plaza, best known as "Little Bombay". 2. <i>Estates densely populated with residents of Indian origin</i> -City Centre (north and east): non-residential business area with the exception of the area between Kirinyaga and Racecourse Road, equally occupied by Hindu families and Sunnis of humble status. -Pangani (all communities, majority of Sunni Muslims): the estate has also several Mosques and temples as well as learning institutions -Ngara (Hindus, Sikhs, Jains, Muslims): commercial and residential estate comprising several religious edifices. -Westlands (middle class): residential and commercial estate (Westlands business centre). 3. <i>Estates considered being islands for the Indo-Kenyan population</i> -Muthaiga (families with high income). -Eastleigh, western part (Muslim residents and humble class Sunnis). -Lavington (Ithnasheri). -Nairobi South B (Patel and Muslims of middle and humble classes). -Nairobi South C (Muslims of middle and humble class, Sikhs, Hindus). -Nairobi West (all communities, especially Muslim Sunnis of middle class). -Langata: Langata Complex (major Bohra learning institution).
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Source: Author's survey.

Residential segregation is accompanied, when the situation allows it, by learning segregation. An essential stake in maintaining identity, the existence of Indian schools ensures a high level of learning which guarantees the sustainability of the constant effort to make upward progress.⁵¹ Benefiting from major grants from the community institutions, these schools always strive for recognition from the big international universities (United Kingdom, United States of America, Canada), without considering the demands of the Kenyan system of education. Although their number is limited, not all communities have a sufficient population to open schools. These only exist in Nairobi and Mombasa and their creation is as a result of a unanimous desire, supported by a major financial effort. In cooperation with the University of London, the project for establishing a university for the Hindus has been in discussion for several years. Already, however, there are two university colleges

51 However, some parents are divided between the desire to give their children a better academic education and the wish to get them into the family business, which leads to them cutting short their studies. Furthermore, the obligation for children to know at least three languages (to which Muslim students add Arabic while in Koran school) sometimes leads to difficulties in school. Similar observations were made concerning Indians in Madagascar (Blanchy S. *Karana et Banians. Les communautés commerçantes d'origine indienne à Madagascar*, Paris, L'Harmattan, 1995, p. 188.)

that give first year university training (Administration and Management). Concerning primary and secondary schools, it is remarkable that, in the purpose of choosing, the communities (in particular Muslim) always give priority to girls' schools, preferring to send boys to learning institutions abroad of their own community (provided that they are Indian). This being the case, in particular, of the Ithnasheri who only have one school reserved for girls.

TABLE 13: MAIN INDO-KENYAN SCHOOLS IN NAIROBI*

1. Hindu schools -Visa Oshwal School, Mpaka Road, Parklands (Jain) -Visa Oshwal Boys Secondary School, Mpaka Road, Parklands (Jain) -Visa Oshwal Girls Secondary School, Parklands (Jain) -Oshwal College, Westlands, private university first year training (Management, computer science) having signed a cooperation agreement with Manchester University (Jain) -Brook House Schools, Parklands (Jain Dasa) -Premier Academy, Forest Road, Parklands (Patel) -Cutchi Leva Patel School, Nairobi South (Patel) -Arya Girls School, Ngara (affordable school attended by Punjabi Arya Samaj Hindus) -Arya Boys School, Ngara (<i>idem</i> for boys) -Arya Samaj Nursery School, Ngara Road, Ngara -Arya Samaj Girl's School, Parklands Avenue, Parklands 2. Muslim schools -Muslim Girls Secondary School, Park Road, Ngara (of Punjabi origin) -Aga Khan Academy, Parklands (Ismaili) -Aga Khan High School, Upper Parklands (Ismaili) -Aga Khan Nursery School, Ngara (Ismaili) -Aga Khan Mixed Primary School, Parklands Avenue, Parklands (Ismaili) -Cutchi Gujarati Schools, Ngara Street (Ngara) and Mtama Road (Parklands) -Jaffery Girls Schools (Ithnasheri) -Madrassa al Rasul, Karen (Ithnasheri religious school for converted Africans) -Langata Complex (Bohra) *All the Indo-Kenyan schools receive students without consideration of origin and religion. However, a simple study from class photos of students shows that more than 90% of them are of Indian origin (98% at the Oshwal girls' secondary school according to figures given by the administration). The religious affiliation of students is however extremely diverse (30% of Muslim students in a Jain school). Of note is the fact that a high proportion of students registered in Braeburn School (a renowned school whose administration is American), are from rich Indo-Kenyan families.

Source: Author's survey.

The community identity of Indo-Kenyans is not limited to housing and education. Anyone who has lived in Nairobi knows of the existence of Indian hospitals: MP Shah Hospital (Jain), Guru Nanak Ramgarhia Sikh Hospital (Sikh), Agha Khan Hospital (Ismaili). Being the hospital of reference in Nairobi, the Nairobi Hospital (whose medical staff is 80% Indo-Kenyan), receives a cosmopolitan clientele including most of the Europeans living in Kenya.

As if it was a community of recent expatriates, the social life of Indo-Kenyans is marked by the will to give preference to intra-community contacts.

We have previously mentioned the existence of multiple associations attached to religious or corporatist organisations: sports clubs, feminine groups, youth and charitable movements, etc. So as not to appear to always frequent their own social organisations (or maybe so as not to strengthen socio-cultural barriers that isolate them from the rest of the population), Indians also invest in many circles, some of British origin, existing before their recent social promotion. Such is the case in Nairobi of so-called “sports clubs” (in reality more social than sports related): Karen Country Club, Muthaiga Golf Club, Nairobi Club, Nairobi Gymkhana, Parklands Sports Club, etc. Other circles, of North American origin, are a more recent creation: Lions, Giants, Round Tables, Rotary (all with a large Hindu participation). Lastly, some clubs are purely Indian creations, like the Aga Khan Sports Club, the Goan Gymkhana, the Simba Union Club (Sikhs), etc.

Governed by principles destined to give preference to intra-community, the social life of Indo-Kenyans is organised in a way that leaves very little space for Africans. Whereas the most intense relations are observed within families and, in a larger circle, within class and religious groups (family reunions, religious house visits, associations, etc.), professional, friendly or social links (especially the attendance of the same clubs), exist between representatives of different communities, including Hindus and Muslims.⁵²

Illustrated in a paradoxical manner by the conflict between India and Pakistan, the relations between Hindus and Muslims in the Indian sub continent are generally described as being marked by an irreducible antagonism. Whatever the validity of this stereotype, it is important to note that, in the diaspora situation, religious oppositions naturally have a tendency to disappear. A good number of representatives of the Hindu diaspora in Kenya belong to marginal religious groups (Jains, Sikhs, Arya Samaj, Swaminarayan, etc.). In rebellion against the caste system, these movements maintain a tradition of tolerance, even friendship with Muslims (as is traditionally the case with Sikhs). For their part, Ismailis and Bohra, largely represented in Kenya, are, in a symmetrical manner, adepts of the same tradition of tolerance.

Common social and geographical origins, as well as the same professional affiliation, contribute to bringing together Indo-Kenyans of all faiths. Due to their common geographical origin (States of North-Western India or provinces of Pakistan), the Indians of Kenya often belong to socio-professional groups whose definition (and sometimes designation, as we have seen concerning the

52 Let us also mention the existence of many musical groups. The best known are the Rasni Musical Group founded by the Sikh Amrik Singh Saund (Indian *pop music* interpreted in Hindi, Gujarati, Punjabi) and the group Bangha Nites led by the Ismaili singer Shaheed Ali Khan.

Cutchis) largely goes beyond religious frontiers. The case of the Punjabi group illustrates the situation of these merchant families, divided half a century ago by an artificial border which divided the Punjab, and maintaining business relations and friendship in at least three community groups (Hindus, Muslims and Sikhs). Beyond this regional and sectarian proximity, and whatever their internal differences (in reality essentially statutory and religious), Indians of different origin remain united, as we have noted above, by their common participation in an ancient civilisation whose essential components impose themselves on all: the language (Gujarati for the majority, or Urdu or Hindi); etiquette, dress and culinary customs; most of the lay rituals (almost all of Hindu origin, and also observed by Muslims); quasi-identical caste prohibitions especially concerning work; a common *ethos* which largely transcends religious affiliation. Facing the same difficulties resulting from their condition as immigrants, defending the same interests, Indo-Kenyans are aware that they have more things to share among themselves than with Africans.

This feeling of unity is accentuated by the fact that in the diaspora situation, Africans precisely perceive Indians of all communities as belonging to one socio-cultural entity. From an African point of view (generally misinformed on the complex differences that distinguish the multiple community sub groups), the social position of Indians in Kenya—almost always described as being privileged—can only be defended by means of a solid coalition, the more efficient as it rests on large resources of a supra-religious nature. The global identity basis is fed by the image that one has of others.

Weak social and political involvement

Contrasting with the strong presence of Indians in the key sectors of the national economy, the insignificance of relationships between Indo-Kenyans and Africans is the counter product of the social gap between the two groups as well as the policy of segregation maintained by Indian communities.

Endogamy represents a society focused and centred on the *in-group* and not the least interested in expanding or diversifying. It is also based on the internal constraints of Indian society.

Matrimonial customs in India are governed by complex rules that organise exogamy in the horizon of a supra or extra family endogamy except in the case of family endogamy specific to some Muslims. In the confines of exogamy prohibited by the exclusion of incestuous relations (but which sometimes involve exchanges in the long run between matrimonial partners), there are two types of endogamy in India: religious endogamy and caste endogamy. Religious endogamy is general, even if today it tends to suffer some rare exceptions in liberal quarters. As for caste endogamy, we know that it forms one of the pillars of matrimonial relations among Hindus. Not being explicitly stipulated among Muslims and Sikhs, it remains however in force in most families.

In the patrilineal and patriarchal context of India, all forms of endogamy can be subject to asymmetrical arrangements. The widespread form of asymmetrical marriage is the *anuloma* ("in the thread") hypergamical marriage, marriage of the masculine Ego to a spouse of inferior status. Possessing, as a male, the privilege of transmitting his status, a Brahman can, in some conditions, marry a woman of inferior caste. In the same way, a Muslim will be authorised to take a non-Muslim spouse (on the condition of her conversion). However, the symmetrical transaction (which would imply loss for the Muslim community of the children to be born in the marriage) is totally excluded.⁵³ The *anuloma* marriage is opposed to the *pratiloma* marriage (marriage of Ego with a woman of superior status), which can be occasionally practiced, especially in rich families without a male heir. By ensuring the continuity of the 'home', the recruitment of a son-in-law of humble means brings this type of marriage to the marriage of 'inheritance of sons-in-law' (also called 'son-in-law marriages'), widespread in the Pyrenean region of France in the past.⁵⁴

However, the asymmetrical marriage is only acceptable between spouses of neighbouring status and never, in principle, between members of different *varna*. That is what has made this practice difficult between Indians and Africans, already excluded from matrimonial alliances for religious reasons. As for Muslims, it only has an exceptional character given the contrary recommendation of family endogamy, which is specific to them. Although that matrimonial modality is far from always being potential (for obvious demographical reasons), it resonates in the horizon of extra-family exogamy and limits its extension. We have previously examined the functional character of such a marriage in the context of the undivided community family, especially in Shiite quarters.

One therefore understands that, whatever their feelings towards Africans, Indians have not been better disposed to practice mixed marriages. However, this conclusion does not apply equally to all faiths. Whereas no mixed marriage is ever observed in Hindus of strict obedience, some cases of Indo-African hypergamy exist in Sikhs and marginally in Jains. Muslims make the biggest number of mixed marriages, especially at the coast, which is overwhelmingly Islamic. We have understood that, in this situation, it is the religious affinity that contributes to Indo-African mixing. But the social dimension cannot be completely excluded, a number of Arab-Swahili families in this same region belonging to the old merchant *bourgeoisie*. In the other regions of the country, there are few examples indeed of marriages with Somali or Borana women (despite them being Muslim) and a negligible number of marriages with non-Muslim African women.

No study has still been undertaken on the important dimension of Indo-Kenyan sociability that hypergamic Indo-African Muslim marriages represent.

53 In general, Mogul sovereigns took spouses of the Hindu religion.

54 Augustins, G., *Comment se perpétuer ? Devenir des lignées et destins des patrimoines dans les paysanneries européennes*. Nanterre, Société d'Ethnologie, 1989, p. 94.

In Mombasa, as in other towns on the Kenyan coast (Malindi, Lamu), there exist an undetermined number of Indo-Swahili couples as well as many Indian families who recognise an African ascendance in their genealogy. The correlation between the frequency of mixed marriages and the social condition however seems established. Though, among Shiites, Agakhanist Ismailis seem better disposed to ethnic exogamy, this hardly occurs in higher socio-professional classes. On the side of the Sunnis, the highest proportion of mixed marriages (that has not been statistically established), is in the Badalas (followed by the Koknis), who are of rather humble means.

The existence of masculine hypergamy necessarily implies an attachment of the children to the paternal lineage and therefore to an Indo-Kenyan identity, especially on religious lines. However, this integration is not without difficulty, especially outside the coastal region (where cultural mixtures are ancient) and in the non-Muslim regions of the country. Examples known by the author show that whereas mixed couples face difficulties in being accepted in Indo-Kenyan circles, Africans do not show that much tolerance to them, especially for mixed race children (*chotara*). Knowing that ethnic mixing is widespread and accepted in Africans, such an attitude begs some questions:

- Are the cultural ingredients arising from the Indian origin undecipherable by Africans?
- Is the fact that mixed race persons are economically and socially attached to their Indian group of reference sufficient to exclude them from the African community?

The feeble involvement of the Indian diaspora in the political life of the country represents a second aspect of the collective reserve observed by members of that community. As we noticed previously, an intellectual and liberal group of Indians in Kenya supported the anti-colonial struggle and was involved in the fight led by Africans for independence. Having been ignored by the masses, this involvement suffered from threats to the immigrant heritage during the Jomo Kenyatta presidency. Having twice been affected by xenophobic reactions in 1972 and 1982, members of the Indian diaspora adopted withdrawn political positions, though still maintaining their will to integrate (such as obtaining Kenyan citizenship). Being present in an informal way in the corridors of power, they do not have their own political representation and do not have in Parliament a representative capable of bringing a pluri-ethnic base. This situation is in contradiction both with their desire to be Kenyan and the oft-repeated resolution to defend their cultural identity. Their involvement in local political life is not the more assured. In

2002, Indians only had few representatives in local and regional bodies and only one mayor in a major city (Kisumu).⁵⁵

Contradictory links with India

After having for a long time poisoned the relations between Indo-Kenyans and successive Kenyan governments, the question of relations with the countries of the Indian sub-continent, and in particular with India, is today largely clarified. Having, as emissaries of members of the Commonwealth, the status of 'High Commissioners', the ambassadors of India and of Pakistan occupy a high rank in the protocol hierarchy of the diplomatic corps. There exist between India and Kenya many agreements in matters of education and trade (Indian Technical Economic Cooperation), which ensures the training of Kenyan engineers and technicians in India; the Joint Trade Agreement (and Joint Business Agreement). Although the level of economic exchanges remains modest, the Kenyan government has opened regular air connections between Bombay and Nairobi.⁵⁶ The Indian government encourages members of the Indian diaspora to contribute to the development of their country of origin. Whatever their nationality and according to Indian law, people of Indian origin living abroad have a special status titled Non-Resident Indian (NRI).⁵⁷

However, for most Indo-Kenyans, relations with India continue to present an embarrassing and contradictory character that reveals the persisting difficulties of their identity.

For lack of a demographic study, it is currently difficult to measure the flux of migration between India and Kenya since the first massive transfers of population operated, at the instigation of the British, at the end of the XIXth century. No statistical information available allows knowing with precision the part of the population of Indian origin residing in Kenya born outside the country. Knowing that a large number of railway immigrants returned home in the years following the completion of the project, the current members of the Indian community should look for their origins in the migratory waves after 1907. Taking into account the constant arrival of spouses 'recruited' in

55 Shakee Shabbir Ahmed, Punjabi Muslim.

56 In 1996, India ranked as the fifth largest exporter to Kenya, its main customer in Africa, far ahead of Nigeria, Tanzania and Uganda. Kenya exports very little to India. The two countries are competitors in tea, coffee, cotton, sugar and horticultural products, whereas India has diversified raw products and a large industry. (PEIK *op.cit.* pp. 13–17).

57 A person is considered of Indian origin » if the said person has an Indian passport or his/her parents or grand parents are or were of Indian nationality or whose spouse satisfies one of these conditions (PEIK *op.cit.* p. 20). At 18 million, the NRIs have certain banking and financial facilities in the motherland (right to have accounts in convertible money, high interest rates, tax exemptions on investments made in India). The Indian diaspora (East Africa, Middle East, South East Asia, Australia, Great Britain, Carribeans, United States, and Canada) is estimated to be the largest in the world.

India and the recent wave of non-accounted for immigrants, it is however possible to evaluate the proportion of Indo-Kenyans born in Africa at a minimum of 50%.

No matter the age of the original rupture with the motherland, there isn't a single Indo-Kenyan who hasn't wished, once in his life, to know his place of origin. The voyage to the Indian sub-continent represents an objective for all families but whose realisation is however not possible for those of modest means. Usually headed for Gujarat (sometimes extended to Maharashtra or the Punjab) this trip, which takes the form of a pilgrimage, holds many disappointments in stores. Due to the dispersion of families in India since the first departures, most of the emigrants do not have family networks allowing them to hope for a reception that lives up to their expectations. Proud to show off their economic success, they cannot always do so because it is sometimes judged as having been usurped or is considered illegitimate by the group at large. For some, coming face-to-face with the persistent poverty of their place of origin does not prompt them to stay for long and gives the visitors supplementary arguments in favour of not returning. Only the perspective of university training can attract candidates for a long stay in India, although the former—when they can afford it—prefer Anglo-Saxon universities.⁵⁸

Together with caste endogamy, another reason for travelling to India is the search for an appropriate spouse, especially female. We have previously mentioned the ancient existence of this practice meant to broaden the circle of permitted spouses in the context of reduced immigrant population and for each endogamic community. The season devoted to this search is from December to February. In the Gujarat, Hindu families have Brahman correspondents responsible for drawing up lists of young women for marriage. Despite the demographic loss in some immigrant communities having made the negotiation of traditional marriages (isogamic or hypergamic as is widespread) difficult, the number of spouses recruited in India seems to have reduced according to families questioned. Such is the case in less prosperous communities (especially Sunni Muslims), more cut off from their country of origin and among whom the propensity to travel to India is the weakest (a number of them never having left Kenya). Such is also the case of families belonging to the liberal side of the *bourgeoisie* within which, as we have seen, a growing proportion of marriages

58 Although the figure obtained by the author varies depending on people questioned (HCK, Embassy of India in Kenya), in 2002, there were between 5,000 and 10,000 Indo-Kenyan students registered in various Indian universities, being the highest figure of students in university abroad (according to the same sources, Great Britain, the United States and Canada receive about 3,000 students in total). The large numbers can be explained by the affordability of fees and costs of living, given the excellent quality of studies (about € 3,200 per year in India compared to € 23,000 per year in the United States). The same considerations explain that a number of middle class Indians choose to be medically treated in India and regularly go there for that purpose.

escape the control of tradition. In the absence of a more precise study on the question (knowledge by each community of the number of spouses recruited in India as compared to the total number of marriages; information of marriages outside of tradition), it is impossible to comment further on this information. Probably, the increasing withering of interpersonal relations with the places of origin strongly contrasts with the intensity of attachment to the Indian culture, whose centre, in the eyes of all the immigrants, remains the motherland.

Everybody knows that the dramatic partition that occurred in 1947, which led to the splitting of the old Empire of India, shook the political equilibrium in the sub-continent. For most Indo-Kenyans, that event does not erase the feeling of having their roots in the same place. It is thus that families from regions today administered by Pakistan perpetuate a rather unified vision of the Indian confederation. How surprising therefore that the Embassy of India is responsible for satisfying the main expectations of Indo-Kenyans: a permanent resource for the cultural identity of the diaspora. Situated in the city centre of Nairobi, possessing a big library, the very important cultural service of the Indian High Commission largely participates in intercultural exchanges: the teaching of Indian languages (importance given to Hindi which allows access to classical and contemporary literature), university scholarship programmes, dance and theatre festivals,⁵⁹ music recitals, conferences, etc. During these occasions, community associations regularly receive artistic, intellectual or religious personalities from India. The considerable affluence displayed on these occasions proves the fervent interest that the different forms of cultural life in the motherland receive in Kenya.

Another illustration of the fear felt by Indo-Kenyans in straying from the canonical or 'authentic' model of the culture of origin can be seen in the religious domain that most immigrants consider being the privileged conservatory of tradition. Strongly attached to transmitting this tradition to their children (very present in all their religious buildings), in matters of religion Indians of the Kenyan diaspora show a remarkable vigilance (as can be seen in the persistence and vitality of multiple religious associations). In the same way that Brazilian settlers in the XVIth century imported from Portugal sculptured columns destined for the facades of their churches, several religious associations have had whole temples brought in from India (as was the case in Nairobi of the big and beautiful Swaminarayan temple recently built along Forest Road).⁶⁰ These entail huge costs that the faithful do not hesitate to pay.

59 In particular from the town of Baroda (Gujarat), a renowned artistic centre.

60 In other cases (old Oshwal temple of Oshwal Road in Pangani), the stones were imported (ocre stone from Rājasthan) and the sculptures fashioned on site by Muslim artists who came especially from India.

Without acknowledging the same for their religious buildings, Muslims deride oversized and deserted buildings put up by Hindus just outside big towns.⁶¹

DIFFICULTIES AND THE FUTURE OF INTEGRATION

Indo-Kenyans firstly defend themselves for keeping Africans apart by estimating that their efforts for integration are badly compensated for. After having renounced their motherland and having access to citizenship of the host country, they claim rights and obligations that arise: right to security of settling in the country, respect of constitutional principles, tolerance of other communities, participation duties of common interest. As a proof of respect of these principles, Indo-Kenyans talk about their daily interaction with Africans of whom they generally give positive judgement (in particular of the Gikuyu, who have multiple qualities: honesty, hardworking, time-conscious, etc). These statements, without doubt, neglect the fact that relations with Africans are hierarchical and limited. Due to the community division of labour, there are few circumstances or situations where Indians in the same institutions are called upon to collaborate with Africans on an equal footing. Except for very exceptional cases, in public service (or medical officers in hospitals already mentioned), there are no examples of Indians subordinated to Africans.

Loyal to the country and the regime (to which is added a declaration of allegiance) and mindful of embellishing their image to Africans, Indo-Kenyans are notable for their philanthropic and charitable contributions. As the main taxpayers in the country, they highlight the involvement of Indian organisations in the development effort of the country. As a philanthropic foundation, the *Aga Khan Foundation* is involved, it is true, in major social aid and health programmes. At a more limited scale, (especially compared to the number of its members), the *Hindu Council of Kenya* also participates in many educational and charitable campaigns (support to schools, solidarity movements in times of famine, floods, fires in slums, epidemics, fight against AIDS, etc). Despite the media campaigns discreetly organised by the *Daily Nation* (owned, as we have already noted, by the Aga Khan), these activities are largely unknown to Africans, even if the amounts dedicated remain relatively modest given the wealth of the interested.⁶²

Lastly, to justify communitarian options, Indo-Kenyans refer to a national and pluricultural ideal, respectful of their peculiarities. As all ethnic groups present

61 Within the same Hindu Jain community, many people have criticised the vast cultural and religious complex of Ring Road whose cost was supposed to be over 500 million shillings (7.6 million euros).

62 Thus in 1997, the Hindu Council of Kenya spent, \$ 60,000 in food donations and \$ 120,000 to help the Pangani Girls' High School, (1\$=0,80€); Hindu Council of Kenya, Souvenir of the Second All Africa Hindu Conference. Nairobi (Silver Jubilee Year), 1998.

in the country (some of which are threatened with losing their identity and now demand the means with which to protect their traditional culture), Indo-Kenyans, have the right to have their cultural and linguistic attributes respected. According to them, Kenya's cultural diversity is all the more necessary, yet the former colonised country still does not offer a model of national culture. They only have the British model that has been unanimously rejected.

Without *a priori* excluding the hypothetical combination, two perspectives appear today for the Indian diaspora:

A first option is redeployment. Thos has begun by the setting up of transnational networks. In fact, in the past, similar to other diasporas and according to the *ethos* of internal solidarity, a number of Indian families spread their members and their assets across different countries. As recognised by commercial and financial analyst networks, these options present many advantages: reducing economic risk in case of pogroms, expulsion or even commercial bankruptcy, ensuring a rapid repatriation of capital, diversifying complementary activities in the same branch or sector of activity, facilitating an exportation policy for industrial firms, etc. On the scale of East Africa, the efficiency of these networks is doubled by the transnational character of community organisations (certain organisations like the Lohana even publish a directory indicating, in addition to their names and addresses, the blood group of all the members settled in East Africa). Facilitated by a polyglot education, the acquisition of several passports and the presence of numerous Indian communities on the five continents, the perspective of a new establishment is also the result, visible in part to the search for university studies abroad. Trained in the countries of the Commonwealth (Great Britain, Canada, Australia) or the United States, members of the new generation are often tempted to remain there, preferring the risks of expatriation to those of returning home. Their motivations are multiple: fascination with the western world, marriage with a foreign spouse, desire to assert their vocation rather than to conform with the paternal model, desire to escape from any form of tutelage in the family environment, uneasiness concerning the economic and political future of Africa, etc. These expatriations present, to a certain point, advantages for Indians in Kenya (in particular when the expatriates have activities complementary to those of their relatives). Apart from imagining that a new immigration from India, already mentioned, will compensate the exodus of the young generation, the movement of redeployment, if it is to develop, would lead gradually to the 'drying up' of the Indo-Kenyan community.

Without denying the cosmopolitan nature of their family links and economic interests, activists in Kenya today are working towards citizen integration; that is the second option. Belonging to the intellectual and liberal fraction of the *bourgeoisie* (academics, lawyers, industrialists, etc.), these groups are generally from religious minorities: Agakhanists, reformist Bohra, Hindu dissidents,

Parsis, etc. Without declared political links and forming simple relationship circles and informal associations, they represent a democratic movement which deals with many international left-wing liberal, humanist and reformist themes: human rights protection, moralisation of economic behaviour (fight against corruption, fiscal civility, etc), promotion of womens' rights, protection of the environment, protection of ethnic minorities. Showing their identity as citizens, they talk on behalf of Kenyans in general and not Indo-Kenyans in particular. Organisers of different cultural forums and civic campaigns (they are the originators of *The Asian-African Heritage* presented in Nairobi in 2000–2001), they also intend to promote the coming together of Indians and Africans, especially in matters pertaining to matrimony (many are partners in a mixed marriage). Without prejudging their future, these actions, however, have little support from Africans.

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Muslims in Nairobi

From a feeling of marginalisation to a desire for political recognition¹

Anne Cussac and Nathalie Goms

Islam was introduced to Nairobi at the end of the 19th century by Swahili or Arab merchants who founded the Muslim villages of Mombasa town, Unguja, Maskini, Pangani and Kileleshwa. The first believers spread their faith by marrying women of different ethnic groups from within the country² who had come to the region to flee economic difficulties in their native land. At the beginning of the 20th century as the British colonists founded Nairobi along the Mombasa-Kampala railway, they employed Somali, Sudanese (Nubi) and Swahili soldiers and porters who settled in town and converted men of other ethnic groups within the army.³ Several Indian labourers, some of whom were of the Muslim faith, were also working in the construction of the Uganda Railway. Many settled in Nairobi where they were joined by Indians from the Coast. Thus, before 1920, most inhabitants of the town that became the capital of Kenya in 1907 were of the Islamic faith.⁴

Although the number of Muslims within Kenyan society is subject to controversy, they are no longer the majority in Nairobi. According to the most reliable estimates, they represent between 10 per cent and 20 per cent of the total population in the country.⁵ No exact figure could be obtained on the number of people professing to be Muslims in Nairobi. Nevertheless, the religion is obviously widespread. The town has at least 84 mosques—more than 120 according to one informant.⁶ Additionally, in a capital city that is

1 This article is based on field research carried out in Nairobi in 2002–2003 and in 2004, with financing from IFRA-Nairobi. We are grateful to Michel ADAM and Hélène BIGOT for their comments and corrections.

2 These women were generally Kikuyu, Kamba, Nandi or Maasai.

3 Maingi, A.N., *The Diversity Factor in the History of Islam in Nairobi, 1900–1963*, Master of Arts Thesis, University of Nairobi, 1989, 259 pages.

4 Kubai, A., 'The Early Muslim Community of Nairobi (Kenya)', *Islam et Sociétés au Sud du Sahara*, N° 6, November 1992, pp. 33–44.

5 For Muslim organisations, this proportion could even go up to 30% of the total population. Bakari, M., 'Muslims and the Politics of Change in Kenya', in Bakari, M., Yahya S.S., (eds.), *Islam in Kenya*, Proceedings of the National Seminar on Contemporary Islam in Kenya, Nairobi: Mewa Publications, 1995, pp. 235–251.

6 Interview with Abdulatif Sheikh, member of the Supreme Council of Kenya Muslims (Supkem), Nairobi, 04/08/2004.

largely westernised, some believers are easily identifiable by their clothing (a long, black, free-flowing robe known as a *bui bui*, or a long dress with a scarf for women; a wide robe called a *kanzu* worn by some men), which bears witness to the existence of an 'external Muslim identity'.⁷ The rite of communal prayer also contributes to this desire to express one's faith as does regular mosque attendance, which seems to be on the increase. This is one of the signs that, in 1999, justified the expansion of the Jamia Mosque,⁸ the main mosque in the city, which had become too small to accommodate all the faithful, especially for Friday prayers. According to some estimates almost 2000 people go there daily and about 7000 on Friday.⁹ Also, since 1995, Islam has attracted new believers. In Jamia Mosque alone, more than 8000 people were converted in that period.¹⁰

Relatively little information on Muslims in Kenya's capital is available, be it in terms of religious affiliation, ethnic identity, geographical partition or political involvement. To speak of 'Nairobi Muslims' suggests that there could be a specificity of that group in the capital city, whereas in Kenya, Islam is generally associated with the Swahili Coast. Today, the coastal region remains largely Islamic and the Muslim population exerts a substantial economic and political influence. Paradoxically in Nairobi, where Muslims formed the first urban grouping, they have never occupied such an important position. One of the reasons for this could be the extreme diversity of the Islamic population (I). Even worse, their weak influence led to a feeling of marginalisation, even if Muslims increasingly seem to seek to defend their interests in the political arena (II).

THE DIVERSITY OF MUSLIM COMMUNITIES IN NAIROBI

With the spread of Islam, its many different branches—Sunni, Shiah and Khariji—were all introduced into Kenya and that diversity of faiths is still perceptible today. The majority of Kenyan Muslims belong to the Sunni faith, while a significant number of Indo-Pakistanis, as well as some Africans, are Shiah. Additionally, the Ahmadiyya¹¹ sect, considered as heretic by the other faithful, exists in the country. They have had a mosque in Nairobi since 1923 in

7 Kane, O., and Triaud, J.-L. (dir.), *Islam et islamismes au sud du Sahara*, Paris, Karthala-IREMAM, 1998, 331 pages.

8 The expansion of the Jamia Mosque in 1999, at a cost of US\$ 3.5 million, was totally funded by the Sheikh Zayed Bin Sultan Al Nahayan Foundation of the United Arab Emirates. Today, the building can accommodate up to 15,000 people and includes a library, a lecture theatre and a conference hall.

9 Oded, A., *Islam and Politics in Kenya*, London, Lynne Rienner Publishers, 2000, p. 54.

10 Interview with Ramadhan M. who was at the time working in the mosque library where the conversions were registered, 20/07/2004.

11 The Ahmadiyya sect (also called Qadianiyya) was founded in Punjab following the predictions of Mizra Ghulam Ahmad (1836–1908). In Kenya the sect emerged in Mombasa in 1934, before being seen in Nairobi. It is renowned for having made several translations of the Koran and for having published for several years the periodical '*Mapenzi ya Mungu*'.

Muranga Road. The Ahmadi organised a very active missionary movement in East Africa. They are known for their translations of the Koran in vernacular languages (Kiswahili in 1953 and Kikuyu in 1988), which were condemned by the orthodox religious leaders on the grounds that they were faulty. The real bone of contention, however, is that the principle of translating the Koran runs counter to the rule established by the leaders of the law which obliges true believers to read the Koran in the language of the Prophet, in order to keep true to the Word without risk of alteration of the sacred text.

The Shiah

Three Shiah groups exist in Nairobi: the Khoja Ismailis, the Ithnasheri and the Bohra.¹² These different sects are characterised by their collective life that is very well-structured and centralised, and by the priority that they give to intra-communal relations. This bears witness to a certain cultural endogamy.¹³

The Ismailis¹⁴ are one of the most prosperous and best structured. They have three *jamatkhana*,¹⁵ one situated in the City Centre and the others in Parklands and Pangani. The oldest of these was constructed in 1903, while the other two are much newer. Moreover, Nairobi is the regional headquarters of the Aga Khan Foundation, a charitable organisation. The social activism of the Ismaili community is also well known—the Aga Khan Hospital and the Aga Khan Secondary School are among the best establishments in their category and admit Kenyans from all religions. Ismailis occupy the top positions economically. They are majority shareholders of the *Daily Nation* newspaper and control the Serena chain of hotels, among several other commercial organisations.

The Ithnasheri¹⁶ who settled in Kenya are the descendants of old Khoja Ismailis, who came into conflict with the Aga Khan soon after his arrival in India in 1840 and who joined the dominant movement of Shiism.¹⁷ Numbered at about 1,200 in Nairobi, they have a less centralised organisation than the Ismailis, but are extremely conservative, advocating the separation of the sexes from the age of nine, the compulsory wearing of the *chador* for girls, the exclusion of women from mosques, arranged marriages and a strict

12 Salvadori, C., *Through Open Doors. A View of Asian Cultures in Kenya*, Nairobi : Kenway Publications, 1989, 388 pages; Prunier, G., 'Les communautés indiennes', in Grignon, F. and Prunier, G., (dir.), *Le Kenya contemporain*, Paris, Karthala IFRA, 1998, pp. 191–207.

13 Adam, M., *La Diaspora indo-pakistanaise au Kenya*, Unpublished research report, 17 January to 6 February 2001, 54 pages.

14 See the Chapter by Michel Adam.

15 An organisation that represents a Jamat, which is a congregation, united on the basis of an Ismaili structure.

16 The Ithnasheri represent about 90% of Shia Muslims worldwide. They are faithful to the wishes of the 6th Imam Jafar, who, setting aside his eldest son Ismaël, chose his youngest son Musa al-Kasim to succeed him.

17 Salvadori, C., op. cit.

endogamy.¹⁸ They maintain supportive relations with their co-religionists from Iraq and Iran. They have also developed several missionary activities, seeking to convert non-Muslims or Sunni, especially since the establishment of the Islamic Republic of Iran.¹⁹ Three Ithnasheri *imambara* (religious complexes) are situated in Ngara, Langata and Lavington. The first was constructed in 1945 and renovated in the 1980s, while the other two are more recent.

Finally, the Bohra,²⁰ renowned as an exclusive and organised community, own a religious complex in Langata, called Saif Park. It was built between 1984–1985 on the occasion of a trip to Kenya by their supreme chief, the Dai. The Bohra have another mosque and manage a sports club in Lagos road. It is almost impossible for a non-Bohra to enter these buildings. In Nairobi, the religious authorities forbid the families of this community from inviting a member of another religion to their social celebrations such as weddings.

The three Shiah groups thus live in autonomous religious communities, owning specific mosques where their faithful go to pray and where the likelihood of meeting a Sunni Muslim is minimal.

The Sunni

Although three of the Sunni schools of thought²¹ are represented, the majority of Kenyan Muslims, Africans in particular, are members of the Shafii movement. Most African Muslims are Somali, Waswahili or Nubi, but there are a few from other ethnic groups. Some Arabs, descendants of migrants from Yemen or from Oman, probably from the 10th century, are also present in Kenya. The first adhere to Shafism, the second to the Hanbali school. A third major faction of the Sunni is represented by Indo-Pakistanis, mainly Hanafi. They are divided in different groups according to their geographical origin. Settled in Nairobi are about 500 Kokni, from the Bombay region. They are the only ones among the Indians to profess the Shafii faith.²² The Kenyan capital city also hosts about 1,000 Memon Nassepuria Sunni, originating from Sindh, and some Punjabi. The latter is a very prosperous community, also known for its contribution to the building of several religious buildings such as the Jamia Mosque, one of the oldest in the capital.²³

18 Adam, M., op. cit.

19 Oded, A., op. cit.

20 The Bohra, or Tayyibi Dawoodi Ismaili, are the descendants of a scion of Orthodox Ismaili, the Tayyibi, who seceded in the 12th century then divided between a Yemeni group and an Indian group in the 16th Century. The other party took the name Dawoodi, then Bohra. The name of their supreme chief, Dai, means 'missionary'.

21 Sunni Islam is divided into four legal schools (madhhab in Arabic, pl. madhāhib). Their existence relies on the fact that neither the Koran nor the Sunna (the collection of speeches and acts of the prophet Mohammed) directly provides a solution to the problems faced by the first Muslims. A jurisprudence emerging from the work of experienced scholars gave birth to four main schools: Malekite, Hanafite, Shafite and Hanbalite.

22 Adam, M., op. cit.

23 Salvadori, C., op. cit.

While no specific area of Nairobi can be referred to as 'Muslim', some have a large population of the Islamic persuasion. Such is the case in the Kibera area, inhabited mainly by the Luo, but equally so by numerous Nubi.²⁴ The majority of the Nubi still live in the slum, regarded as the largest in the city. Even those who have moved out maintain links with their families or close friends who still live there.²⁵ The residential estate has one of the oldest mosques in town, called Jamia Makini and built in 1902. For the Nubi, Islam does not suggest a renunciation of their ethnic identity, of which they are very proud, and they lay claim to their Sudanese origin as well as to their status as a city group without a native land.²⁶ They assert their identity by the creation of openly Nubian groups that are determined to defend their own interests. Examples are the Nubi Elders' Council formed in 2000, or the Kibera Nubian Constitution Review Committee, created in 2001. The latter demanded that recognition be accorded to citizens of Nubian origin by the national census. They also demanded that they be allowed to obtain Kenyan nationality without having to furnish a birth certificate verifying their origin.

The Eastleigh area is home to an equally large Islamic population. It was originally inhabited by Indo-Pakistanis but was deserted by them at the end of the 1920s due to its unhealthy nature. It was then repopulated by Somali Kenyans. In addition, following the Somalian civil war from 1991, numerous refugees preferred to settle illegally in the area rather than in the camps reserved for them. Cohabiting with the Oromo, another Muslim group originating from the north of Kenya and the south of Ethiopia, the Somali population in Eastleigh today is estimated at 500,000 people. The estate is a dynamic business area that is vital to the economy of the country, with large shopping complexes such as Garissa Lodge, where cheap clothes, perfumes and electrical equipment from Dubai, Bombay or Bangkok are sold. These are imported through Somalia and Garissa in the northeast of Kenya or directly from Mombasa. Often referred to as 'little Mogadishu', Eastleigh has a very strong Somali character. While the Somalis living in Kenya are largely Kenyan citizens and consider themselves as members of the 'Islamic community' in Kenya, their own identity appears to be quite strong. However, some believe that their citizenship is poorly acknowledged by the state and often mention the obstacles they encounter in attempting to obtain identity papers. They believe that Eastleigh is poorly served by public services and that the

24 The Nubi are descendants of Sudanese soldiers recruited by British authorities for the pacification of Kenya and Uganda, heirs of a military tradition from the Arab world and founded on slavery. These soldier slaves became a distinct ethnic group in Africa at the end of the 19th Century. Obligated to remain in Kenya when they retired, the Nubi soldiers did not have a native land in which to spend their old age. The British therefore allocated to them Kibera, where the right of residence was given exclusively to soldiers who had served a minimum of 12 years in the King's African Rifles, up to 1928. 'Kibra', which was then transformed into Kibera, is a Sudanese word signifying forest. A majority of the Nubi still live in Kibera today, but the area is open to a pluri-ethnic population.

25 Interview with Suleiman M., Imam of the Jamia Makini Mosque in Kibera, 21/07/2004.

26 Crozon, A., 'Les Nubis en Afrique de l'Est. Construction d'une identité ethnique', *Les Cahiers de l'IFRA*, N° 4, 'Minorités d'Afrique de l'Est face à l'intégration', Nairobi, IFRA, 1997, pp. 4–28.

northeastern province where most of them come from is highly marginalised. This reinforces the feeling that they are not really considered to be Kenyan.²⁷ Today, the Somali elite lives mostly in the residential areas of Hurlingham, Westlands, South B and South C.

The Indo-Pakistani communities are concentrated in the Westlands area, especially in Park Road and Parklands. In these areas, Indians live between them, sometimes in collective housing estates using communal security forces or garbage collection services. Thus, the contact between the Indians, no matter what their cultural orientation, can appear more intense than those between the Indian Muslims with their co-religionists. Their social life indeed seems to focus on intra-community relations through several organisations, sports clubs or women's groups. This communal life even expresses itself through Muslim associations, which are specifically Indo-Kenyan such as the Cutchi Jamaat Corporation, the Kokni Muslim Association and the Memon Jamaat, which represent different Muslim groups of Sunni Indians. But the Indians also frequent some societies to testify to their social success, in particular various sports clubs of British origin such as Parklands Sports Club, or the strictly Indo-Pakistani ones like Aga Khan Sports Club. This reveals that the Indians, in their extra-religious relations, do not so much seek to meet other Muslims, but rather individuals of a similar social group or cultural identity.

By virtue of the history of Nairobi, some other areas are inhabited by large Islamic populations. One of these is Pumwani, the oldest residential area for Africans in the capital, mainly inhabited by Waswahili, Kikuyu and Kamba. Some of these are Muslim, even if the area is today mainly occupied by Christians. Globally, with the growth of urban populations and the transformation of the capital city, the faithful tend to spread out in all areas, from the richest districts to the poorest, almost all of which have one or more mosques. In theory these mosques are open to all believers but the truth is that it is highly unlikely for a Shiah to pray in a Sunni building. This is another indication of the great diversity of Muslims in the capital.

A denominational and ideological plurality

The links between the city Sunni and Shiah are characterised by a reciprocal ignorance and a lack of contact in their rituals. Despite the reciprocal attendance of religious buildings being allowed in theory, the respective faiths pray in different mosques and belong to different clubs and societies. Additionally, it is generally accepted that the main organisation that represents Kenyan Muslims—the Supreme Council of Kenya Muslims (Supkem)—in reality, only serves the Sunni. In a way, because they are the majority, they are averse to maintaining relationships with the Shiah, whose importance they

27 Interview with Omar, A.S., Somali student, Nairobi, 27/07/2004.

seek to denigrate. At the same time they are envious of the Shiah prosperity and of the manner in which the different Shiah sects stand together, are united and organised.²⁸ In addition, the presence of two major movements of Islam in Kenya entails a political dimension based on the rivalry between Saudi Arabia and Iran. This opposition is maintained by the presence of two active diplomatic representations in Nairobi. Traditionally, the large Kenyan Muslim organisations involved in social activities such as Supkem or the Islamic Foundation had the advantage of great support from the Saudis. However, since its establishment in 1979, the Islamic Republic of Iran has developed a strong religious activism marked by the opening of a cultural centre in the capital. This centre organises conferences related to Shiism and distributes literature. Iran is also involved in health and social activities, with the symbolic creation of the Iranian Medical Centre in Nairobi in 1997.

Perceived as a threat by the Sunni, the proselytizing displayed by the Shiah, supported by Iran, contributed to the hostile relationship between the representatives of the two faiths. In the mid-1990s, Sheikh Ali Shee, the former Imam of Jamia Mosque, made attempts towards closer relations with the Shiah, but did not have the support of the majority of Sunni leaders. These leaders faced pressure from Saudi Arabia, and reproached Sheikh Ali Shee for sustaining the confusion concerning the differences separating the two religious movements.²⁹ But this is only one of the multiple controversies that Ali Shee (an African imam) created. Thus, in 1995, while the committee of the Jamia Mosque refused to renew his contract, he denounced them for wanting to replace him, either by an Indo-Pakistani—an Asian—or by a Muslim of Arab origin, raising once again the problem of excluding Africans from positions of authority.

In addition to the rivalry between the Sunni and the Shiah, the plurality of Kenyan Islam is displayed by the growing penetration of reformist ideas and by the influence of Wahhabi thinkers.³⁰ The former would like to see a return to a unified Islam and condemn some local religious traditions such

28 Interview with Ahmed Abdallah, former deputy governor of the Central Bank of Kenya and former Director-General of Supreme Council of Kenya Muslims (Supkem), 15/07/2004.

29 Oded, A., *op. cit.*

30 Chande, A., 'Radicalism and Reform in East Africa', in Levzion, N. and Pouwels, R.L. (eds.), *The History of Islam in Africa*, Athens, Ohio University Press, 2000, pp. 349–369. The theme of Islamic reform was introduced in Eastern Africa by Sheikh al-Amin b. Aly al-Mazrui (Chief Kadhi until 1974). He was influenced by the reform movement launched in the 19th Century by Jamial-al-Din al-Afghani (1838–1897), Muhammad 'Abduh (1849–1905) and Rashid Rida (1865–1935). He emphasised the need for Africans to learn Arabic in order to understand the Koran, considered the unity of the Umma as being essential to preserve the Muslim identity and regarded Koranic schools (madrassa) as the fastest means to develop and consolidate Islam.

as the Maulidi,³¹ described as *bid'a*, (reprehensible innovations).³² These reformist ideas are today defended by several highly influential *ulamas*. In Nairobi they are associated with three mosques: Abubakar in Eastleigh, Rabita in Westlands and above all, the big Jamia Mosque in the City Centre. The debate surrounding Maulidi illustrates the gap between an old elite, trained in Islamic science according to traditional methods in the local Koranic schools, and a young generation of Sheikhs from Universities in the Arab world that castigates local cults. In Kenya, it also displays the earlier mentioned rivalry between Saudia Arabia and Iran. If these celebrations are condemned by the *ulamas* of Wahhabi persuasion, conversely it would appear that they are supported by Iran. In 1994, a Maulid Committee was created in Nairobi to react to criticism of the Maulidi. This committee was supported by the Iranian Cultural Centre, allied to the cause of the Sunni Swahili Muslims in opposition to the ideas of the Wahhabi.³³ Added to the spread of the Wahhabi ideas, Nairobi experienced the arrival of theologians or Muslim scholars from neighbouring Uganda. The capital of Kenya has actually, since 1992, become the refuge of Tabliq³⁴ leaders from Uganda, Sheikh Jamil Mukulu and Sheikh Kamoga. The latter, having fled Kenya in 1991, had previously been an imam in mosques in Kibera, South B, Eastleigh and at Jamia. In true Wahhabi fashion, he brought to the forefront the need to purify Islamic practices from pagan rituals, one of which is the Maulidi.

In the 1980s, the promotion of Wahhabi *ulamas*, obsessed by a literal interpretation of Islam, coincided with discussions related to the dates of the beginning and the end of Ramadhan. The idea spread, especially among the youth that a single calendar must be set from the dates given by the imams in Mecca, while traditionally, the Chief Kadhi (the religious legal adviser) used to announce the beginning and the end of the sacred month depending on the sighting of the moon.³⁵ At the end of the 1990s, the division took on so great an importance that a Council of Ulamas or *Majlis* was created, in order to put an end to the debate. Simultaneously in 2002, a new Chief Kadhi was appointed—Sheikh Hammad Muhammad Kassim al Mazrui—

31 Very popular in East Africa, the Maulidi celebrates the anniversary of the birth of The Prophet. It involves narrating, while chanting or singing, the life of Mohammed. In the mosques, the Maulidi is in general celebrated by reading verses from the Koran.

32 The Wahhabites, also known as the Muwahhidun (uniters), originally followed Muhammad ibn Abd al-Wahhab (1703–1792), who advocated a literal interpretation of the Koran that condemned all innovations and practices that were not part of the Prophet's teachings, particularly the cult of Saints.

33 Sperling, D.C., Islam and the Religious Dimension of Conflict in Kenya, Paper presented at the IPAR Conference on 'Conflict Resolution in the Greater Horn of Africa', Nairobi, May 21–23, 1997, 15 pages.

34 The Tabliq movement, originating from Pakistan, was established in Uganda in 1979. Today, the Ugandan movement no longer has a link with that which remained in Pakistan.

35 In practice, the beginning of the fasting period, the first day of the month of Ramadhan, is fixed according to the appearance of the first crescent of the new moon. However, due to geographical reasons, this first crescent is not visible to all at the same time. This brings up the question among Muslims of whether they should "fast with Mecca or fast with the entire Islamic nation (the Umma), or even to fast with their country". Adelhah, F., Georgeon, F. (dir.), Ramadan et Politique, Paris, CNRS Editions, 2000, p. 14.

who seemed to have a real desire to end these disputes.³⁶ Yet, in November 2003, his nomination did not prevent some of the faithful (who insisted on following the Saudi calendar), from breaking the fast before the new Chief Kadhi proclaimed the sighting of the moon.³⁷ Nevertheless, it seems that these cases were more based on individual decisions than on differences of opinion between the believers. Even more, these theological debates do not appear to have acknowledged recent developments in the capital.

Going by this description, it once more illustrates the large diversity within the Muslim population in Nairobi, as much from the sociological point of view as from the economic and ideological. The situation is not unique to the Kenyan capital but it seems particularly heightened in this highly cosmopolitan town. It allows one to understand the difficulties of Muslims in being perceived as a true urban community, contrary to what is perhaps the case at the coast. Additionally, while along the Indian Ocean coast Islam enjoys a certain prestige linked to its long history and its links with the Swahili culture, in Nairobi the religion seems to be overshadowed by the dominant Christian faith, posing the question of social and political marginalisation of Muslims.

BETWEEN MARGINALISATION AND THE DEFENCE OF RELIGIOUS INTEGRITY

The question of marginality and political involvement of Muslims is not unique to Nairobi but applies generally to the entire Islamic population in the country. The weakness of the status of Islam is at first due to its place in a State, which is predominantly Christian. After independence, even in the Coast province, administrative positions were reserved for Christians, while at the same time the Swahili were faced with economic difficulties, notably as a result of an inappropriate education. Thus, from the 1970s, a discussion on the marginality of Muslims arose, focusing on the difficulty they had integrating with a socio-cultural environment largely dominated by the Christian religion and the English language. While certain general observations can be made, it seems of interest to try to understand the dynamics specific to the capital.

The historical dimension of the feeling of marginalisation

Having dominated the eastern part of Africa for centuries, Muslims came under the supervision of Europeans from the colonial era. Moreover, taking into account the relative weakness of its resources, the Islamic coast barely attracted the attention of the British occupation. Economic development

36 Former Kadhi of Nairobi, he enjoys a good reputation and respect from his co-religionists, doubtless due to the prestige of his ancestors as he is from the Mazrui family. Originally from Oman, the Mazrui settled in Kenya from the 19th Century and exerted an intellectual dominance in the region under the sultanate of Zanzibar.

37 Daily Nation, 26/11/2003.

was concentrated in the 'White Highlands' in the Central Province and the colony's capital was transferred in 1907 from Mombasa to Nairobi. After independence, Muslims were largely excluded from sharing administrative and technical positions to the benefit of the westernised elites who were educated in Christian missionary schools. During the same period, the new Kenyan state criticised Muslims for their 'disloyal'³⁸ behaviour, owing to their supposed support to the Somali Shifta³⁹ and to the attempts at secession engaged in by the Swahili.⁴⁰ Few among them, therefore, attained positions of political responsibility. This feeling of marginalisation, from the social and political point of view, is felt at the coast as in the capital. The situation in Nairobi nonetheless stands out in as far as Islam never played a fundamental political role. The arrival of the first Muslims in the 19th century coincided with the assertion of a rural and Christian culture centred in the Highlands. Additionally, the spatial layout of the capital with the creation of separate residential areas for Africans, Asians and Europeans ordained the division of Muslims. This was accentuated by the colonial administration that considered the Swahili as superior to other Africans. Spatial segregation also corresponded to a relatively rigid sharing out of activities—Europeans were the majority among colonial administrators or missionaries, Africans were porters or guides, and Asians were employed in the construction of the railway or as craftsmen. Finally, while the country gained independence in 1963, only Africans who had been educated by Christian missionaries were able to attain positions of responsibility, effectively excluding Muslims from top positions of power.

The feeling of being victims of assimilation difficulties still exists today and even if the majority of believers recognise that some progress has been made in matters of integration, some among them still consider themselves second-

38 Cruise O'Brien, D., 'Coping with the Christians. The Muslim Predicament in Kenya', in Hansen, H.B., Twaddle M. (eds.), *Religion and Politics in East Africa*, London, James Currey, 1995, pp. 200–219.

39 In 1960, soon after political parties were authorised in Kenya, some groups demanded the secession of the North East region, mainly inhabited by Somali. After the reunification of Italian Somalia and British Somaliland, the authorities of the new Republic of Somalia, who had not ratified the OAU Charter on the intangibility of borders inherited from colonisation, began to envisage the formation of a 'Great Somalia' and to claim rights on Djibouti, Ethiopian Ogaden and the Kenyan Northern Frontier District. In Kenya, the Somali launched a revolt in 1963, known as shifta. This revolt was harshly repressed by the army by punitive action and the slaughtering of livestock of the populations suspected of supporting the rebels. The fighting ceased in 1967 with the arrival of a new Prime Minister in Somalia, Mohamed Ibrahim Egal. He undertook a policy of relaxation of strife with Nairobi and put an end to the support that Mogadishu gave to the shifta guerrilla. Nevertheless, the memory of this insurrection lives on and contributed to the stigmatisation of the Somali, who are still considered today as violent, and are referred to as shifta bandits. Because of this, Somali pastoralists are often viewed as potential rebels, living off contraband weapons, cattle rustling or poaching.

40 At independence, the people of the Coast initiated the Mwambao movement, which demanded either the autonomy of the Coast or a form of co-sovereignty with Zanzibar, or the independence of the coastal strip. This was amiably settled with the sultan of Zanzibar, who renounced his rights on that portion of territory and to all compensation.

class citizens.⁴¹ In Nairobi, Muslims often mention the fact that the estates where the majority live—Pumwani, Kibera, Riruta Village or Eastleigh—are the poorest in the town and the poorest served by public services. Their representation in Nairobi City Council has been relatively weak as for instance in 1999 less than 10 per cent of its members were of the Islamic faith.⁴² Additionally, several faithful complain of difficulty in the official recognition of their Kenyan nationality, citing practices considered unequal in the registration of births and the issuing of identity cards or passports.⁴³ Among the youth, some Muslims stigmatise the nit-picking control exerted by the State on Islamic institutions that would like to be autonomous.⁴⁴ For example, the Kenyan government designates Muslim judges (kadhi), appoints teachers in Koranic schools, controls academic programmes and regulates access to religious representatives by the media. Until the 1990s, Islam suffered from a relatively negative image among the Christian population, which associated it with Arab domination of the coast and above all with the slave trade.⁴⁵ This bad image has been aggravated in recent years, with Muslims being increasingly despised in a climate marked by the fight against terrorism.

A growing feeling of victimisation due to unjustified suspicions

The summary and confused judgement, according to which the religion of the Prophet favours some inhuman or criminal behaviour, was brought up and reinforced recently following the terrorist attacks perpetrated on Kenyan soil generally attributed to the amorphous Islamic group of al-Qaeda. Nevertheless, in the capital, Islam appears largely peaceful and Muslims have never led violent action. Some themes, for example the Israeli-Palestinian conflict or American foreign policies are certainly stimulating and have aroused several initiatives in Nairobi in the past few years. In 2001, demonstrations were held to condemn the Israeli policy in Palestine. All the same, following the 11 September, 2001 attack against the World Trade Center and the American decision to intervene in Afghanistan, or during the American invasion in Iraq, protest marches were organised in the capital city.⁴⁶ However, these demonstrations were minor and did not degenerate into clashes. Moreover, the Israeli presence in Kenya and the good relations

41 Interview with Said Athman, one of the founder members of the Ufungamano Initiative. He currently works with an NGO that advocates for inter-faith dialogue, the Inter Religious Council of Kenya, Nairobi, 04/08/2004.

42 Wandati, A.M., Muslim contribution to National Unity: a tale of a deliberate social dislocation, Discussion paper presented during the 2nd MCC Convention, 4th and 5th December 1999, Jamia Mosque, Nairobi, p. 9.

43 Daily Nation, 21/07/1999.

44 Interview with Zakaria Awadhan, Imam of Madina Centre, 17/07/2004.

45 In a speech during Madaraka Day in 1993, President Moi associated Muslims with the slave trade, thus provoking the anger of the representatives of Islam in Kenya.

46 Maupéu, H., 'Les Musulmans est-africains et la crise du 11 Septembre 2001', Mambo, La lettre d'information de l'Institut français de recherche en Afrique, Vol. III, N° 1, 2002, Nairobi, IFRA.

that Kenya maintains with Israel have never been openly condemned by Muslims in Kenya. One could only mention an isolated case of a group of nine young Kenyan Muslims calling themselves the 'friends of al Aqsa', who organised several demonstrations outside the Israeli Embassy in October 2000 to protest the 'oppressive' nature of the Israeli State and its occupation of Jerusalem. Despite all this, after the attack on the American embassy in Nairobi in August 1998, Muslims found themselves victims of an unjustified campaign of hostility.⁴⁷ It was notably indicated by the speech of President Daniel arap Moi, who during a ceremony at the bomb site declared that the initiators "*could not possibly have been Christians*".⁴⁸ The widespread rumour, according to which the Islamic non-governmental organisations (NGOs) were hidden supporters of terrorist organizations also gained ground and five of these were banned for supporting terrorism (International Islamic Relief Organisation, Mercy Relief International, al-Haramain Foundation, Help African People, and the Ibrahim Bin Abdul Aziz Al Ibrahim Foundation). The Kenyan authorities suspected them of having helped bring into East Africa material meant for making bombs. FBI agents and the Kenyan police launched a search operation on the premises of Mercy Relief International. Due to the investigators' inability to establish proof of their allegations and faced with protests from several lawyers, religious or political unions and NGO leaders, this ban was lifted but it did not end the feeling of discrimination felt by Muslims.⁴⁹ The activism of the Kenyan authorities was also displayed by the arrest of about 100 Muslims for motives that still remain obscure.⁵⁰ Since September 11 2001, and after the terrorist attack on the Paradise Hotel in Mombasa in 2002, the distrust of Muslims in general was not improved, either by the authorities, law-enforcers, or a large proportion of public opinion.

In Nairobi, it is mainly the Somalis who have suffered from this suspicion, with an increase in identity checks in Eastleigh and frequent arrests recorded in newspapers.⁵¹ Eastleigh attracts special attention particularly from the USA and the UK, who suspect Kenyan Somalis, and to a lesser degree, Muslims from the coast, of maintaining links with the Islamic group Al-Itihaad al-Islamiyya, which is active in neighbouring Somalia. Since 2001, several police operations have been launched resulting in the arrest of about one hundred people in Eastleigh, mostly aged between 15 and 30. At the same time, the Kenyan authorities decided in June 2003 to suspend all flights between Kenya and Somalia and to close the air space to Somali planes, in order to prevent the possibility of a terrorist attack. These measures not only entertained wrong prejudices, they were also very harmful to the Somali community in Nairobi,

47 Daily Nation, 07/08/1999.

48 Daily Nation, 21/08/1998. This declaration also led to the anger of Muslims who protested the linking of violence and Islam together.

49 Daily Nation, 07/08/1999.

50 Daily Nation, 14/07/2003.

51 Daily Nation, 22/06/2003.

some of whom draw their finances from the lucrative khat⁵² business.

In a more general manner, Muslims, no matter what their origin, complain about a systematic distrust from State agents who, for example, carefully scrutinise their identity cards or often demand other proof of nationality.⁵³ This form of harassment has been heightened by the decision of the Kenyan authorities in 2003 to submit an anti-terrorist law, the Suppression of Terrorism Bill. Considered to be against public freedom, this project was strongly condemned by Muslims as a whole. Several points provoked great anxiety, especially the possibility of carrying out arrests on the basis of mere suspicion or the detention of people without going through the judicial process. Practicing Muslims, however, mostly express their discontent about some clauses mentioning their dress code as a motive for suspicion, thus implying the existence of a correlation between the propensity to terrorism and a certain Islamic mode of dress.⁵⁴ The defenders of the law project considered these fears as exaggerated and that their public expression was part of a strategy of victimisation. While the law has not been passed, some Kenyan Muslims nevertheless have legitimate reasons to express their suffering in view of the recurrence of arbitrary arrests. As citizens of Kenya—not as Muslims—they suspect the USA of imposing a plan drawing heavily from the Patriotic Act earlier voted for by the American Congress,⁵⁵ whose objective is to satisfy international donors rather than to protect the country from terrorism.⁵⁶ The desire to resist external pressure also expressed itself in the debates on the constitutional reform, especially concerning the place of Kadhi Courts in future fundamental Law.

Islam and politics: Muslims and the constitutional reform

Several questions of a legislative or constitutional nature have regularly attracted the attention of Kenyan Muslims about their faith, such as the application of Islamic law concerning inheritance, or respect for the Muslim

52 Khat or miraa is a natural amphetamine whose consumption is widespread in parts of Kenya, Somalia and Yemen. Grown in the central part of Kenya, the plants are transported daily to Nairobi by road before being flown to north-eastern Kenya or Somalia. A minimum of 13 flights transporting khat leave Wilson Airport each day for Somalia.

53 East African Standard, 22/09/1999.

54 Article 12 (1) of the third part of the proposed law stipulates: "A person who, in a public place (a) wears an item of clothing; or (b) wears, carries or displays an article in such a way or in such circumstances as to arouse reasonable suspicion that he is a member or supporter of a declared terrorist organisation shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine or both." Extract from the proposed Anti-Terrorism Bill, published in the Daily Nation, 03/07/2003.

55 Daily Nation, 03/07/2003.

56 Daily Nation, 17/11/2003.

dress code in public schools.⁵⁷ Despite the importance of the issues (the defence of the integrity of Islamic law against secularism or Christianity), the exchange of views with the representatives of the State on these issues have never turned violent.⁵⁸ On the other hand, through the activating of consensual themes which deeply affect practices, a form of unity of the faithful seems to be built up, as seen in the issue of constitutional reform and the place of Kadhi courts in the Kenyan judicial system.

Having been involved since the 1990s in the clamour for multipartyism, debate on the need to revise the constitution succeeded only at the end of the 1990s when the reform process began.⁵⁹ In this framework Muslims were in a position to state their wish for national integration by participating from 1998, in cooperation with Christian religious organisations, in the Ufungamano initiative in order to express the expectations of the civil society. This group, based on a mutual respect between the religions, aimed mainly at preventing any sabotage attempts of the reform movement and proposed to present Muslims as a socio-cultural force to be reckoned with. During discussions of the committee charged with the preparation of the constitution, the latter presented themselves as a minority who had suffered from discrimination, claiming that their rights had been scorned and their institutions denigrated.⁶⁰ This was nevertheless the opportunity to express themselves politically, with the public appearance of several organisations and a massive involvement in the process, allowing them to strengthen their position and to express their opinion and expectations.

Thus, during the debates held with the Constitution of Kenya Review Commission (CKRC), the Muslims established themselves as a group of major influence, taking part in a very active manner in the whole of the discussions and participating in all the meetings. In June 2004, their demands received considerable support with the appointment of the lawyer Abida Ali Aroni to

57 Before 1972, the inheritance of properties was organised on the basis of African customary law for Africans, Indian customs for the Indians and Koranic law for Muslims. But this was contrary to the Constitution which does not cater for discriminatory law. Therefore, in 1972, a new law on inheritance was adopted. Contested by Muslims, it was not applied and ended up being amended in 1980 in order to allow Muslims to follow Islamic law in matters of inheritance.

58 Cruise O'Brien, D.B., *op. cit.*

59 The Moi government recognised the need for reforms in the 1990s. Two parallel processes were launched. The first, on the initiative of opposition political parties, civil society organisations and different religious communities organised in the Ufungamano Initiative, established in June 2000 the People's Commission of Kenya in order to gather views from citizens and to prepare a draft constitution. The second process was supported by Parliament with the appointment of the Constitution of Kenya Review Commission (CKRC), by President Moi. Due to the slowing down of work resulting from two parallel processes, the chairman of the CKRC tried to convince the different parties to unite. This happened in 2001 with the inclusion of members of the People's Commission in the CKRC. A potential new constitution was published in 2002, discussed during the Bomas I and II discussions, followed by a third at the beginning of 2004 (Bomas III).

60 The Constitution of Kenya Review Commission, *The People's Choice. The Report of the Constitution of Kenya Review Commission, Short Version, Dated, Sealed and Issued by the Constitution of Kenya Review Commission in Mombasa at 10 am on Wednesday the 18th day of September, 2002*

the post of Chairperson of the commission. Her appointment seemed rather symbolic, not only because a woman was given the position, but its task, the CKRC planned to gather opinions from a variety of civil society, religious or professional organisations as well as from Islamic institutions such as the Supreme Council of Kenya Muslims (Supkem) and the Council of Imams. Also included for their opinions were the Muslim MPs.

At the same time, pressure groups were created for the sole purpose of acting in favour of the interests of Muslims. From this point of view, it is paradoxical that seeking to express common opinions and appearing as a united group, Muslims started scattered initiatives. In Nairobi, for example, the Nubi created their own pressure group, the Kibera Nubian Constitution Review Committee, destined to promote their own demands and showing a rather weak political collaboration with their co-religionists. In the same way, the women in the city were actively involved, although their involvement lay within their own network, the Muslim Sisters' Network, which remains an autonomous group with the prime objective of fighting sexual discrimination. Once again, co-operation between the Sunni and the Shiah proved to be non-existent whereas the constitutional reform could have brought them together on shared themes. Only the Sunni participated actively while the Shiah, conforming to an earlier mentioned attitude, were largely removed from the political debate.

Founded for the occasion in 1997, the main Islamic organisation, the Muslim Consultative Council (MCC) nonetheless planned to defend and promote the demands of all—be they Sunni or Shiah—in the process of revising the constitution. Supkem, by virtue of its status, could not undertake political action. Thus, the MCC was created to compensate this shortfall.⁶¹ It is currently very active and is headed by Abdulrahman Wandati, one of the Sunni founders of the Islamic Party of Kenya (IPK) in the 1990s.⁶² Such continuity seems to be significant, clearly expressing for a section of the new generation the necessity, as expressed by IPK founders, of compensating for

61 Interview with Abdulrahman Wandati. Supkem is registered under the Society's Act, which forbids it from engaging in political action, while the MCC is registered under the Trustee's Act.

62 In 1992, after the reintroduction of multipartyism, a group of Muslim activists, among whom were Omar Mwinyi and Abdulrahman Wandati, created the Islamic Party of Kenya (IPK). The objectives of this party were to represent the entire Muslim body, and to cater for expression of their demands. IPK was led by Sheikh Khalid Balala, a graduate from the University of Medina. Despite the adjective 'Islamic' attached to its name and its claim to represent the interests of Muslims within the country, there was no explicit reference to religion in its statutes. The IPK was rapidly banned by the government, which used the excuse that the Kenyan Constitution prohibited the formation of religious political parties. Considering that its audience was limited to the coast, the experience was short-lived and did not lead to the emergence of an Islamic political consciousness. On the other hand, the government, playing on the opposition between Africans and Arabs at the Coast, encouraged the creation of another group, the United Muslims of Africa, thus increasing the divisions.

the negative effects of the colonial experience and the rejection of western education by a more active involvement in the defence of the rights and interests of believers.⁶³ Moreover, Abdulrahman Wandati was one of the Muslims most involved in lobbying for a rapid change, not only by his work within the MCC, but also as an activist of Katiba Watch.⁶⁴ This latter group was created in April 2004 and aimed at applying pressure in order to hasten the application of the proposed new Constitution. Even if it is still difficult to evaluate the impact and the enduring nature of the entry of the Sunni on the political scene, the MCC initiative re-launched the debate on political Islam, awakened by the creation of the IPK at the beginning of the 1990s. Contrary to the IPK, whose influence was restricted to the Coast, the MCC, like other pressure groups, was born in Nairobi and we can only guess at the eventual emergence of Muslim political activism emerging from the capital. This group was notably strongly involved in favour of the constitutional recognition of Muslim courts.

The existence of these courts is a heritage of the pre-colonial period and of the administration of the Sultan of Zanzibar on the East African coast.⁶⁵ According to the Constitution of 1963, these courts have jurisdiction over all issues of personal status (marriage, divorce, inheritance) affecting individuals of Islamic persuasion.⁶⁶ Their establishment, originally limited to the coast, spread after independence to other provinces and there are 17 in existence today, one of which was established in Nairobi in 1910. Such arrangements seem to be an essential guarantee for Muslims, which explains why the debates on this subject within the Constitutional Reform Commission have been particularly sensitive. In the first instance, it was envisaged that the status of the courts would be maintained as stated in the 1963 Constitution. However, as the discussions continued, the Muslim representatives offered various reform suggestions: an increase in the number of courts, widened jurisdiction, particularly in business law, and participation by the Muslim faithful in nomination of judges.⁶⁷

63 Cruise O'Brien, D.B., *op. cit.*

64 Katiba Watch is composed of activists who are both Muslims and Christians. It does not take part in the CKRC and was the originator of a demonstration in Nairobi on 3 July 2004, aimed at speeding up the process of constitutional reform. This demonstration degenerated into violent confrontation with the police forces.

65 Kasozi, A.B.K., 'Christian-Muslim Inputs into Public Policy Formation in Kenya, Tanzania and Uganda', in Hansen H. B., Twaddle M. (eds.), *Religion and Politics in East Africa*, London, James Currey, 1995, pp. 223–246; Mwangi Kuria, 'The Application and Development of Sharia in Kenya', in Bakari, M., Yahya, S. (eds.), *Islam in Kenya*, Proceedings of the National Seminar on Contemporary Islam in Kenya, Nairobi, Mewa Publications, 1995, pp. 252–269.

66 The status of Kadhi Courts appears in Section 66 of the Constitution.

67 The Constitution of Kenya Review Commission, *op. cit.*

Beyond the omnipresence of this theme within the Constitutional Reform Commission, tension between some Christian churches and Muslim institutions emerged in the course of the discussions. The possible extension of the functions of the Islamic courts to business matters actually sustained the firm opposition of a minority of Christians, notably the evangelists, for whom the recognition of such courts in the constitution was equivalent to favouring one religion at the expense of others.⁶⁸ This position led to the Muslims' withdrawal from the Ufungamano initiative, weakening efforts developed in favour of cooperation between the different faiths. Additionally, this condemnation of Muslim courts by evangelist groups stirred up fears that they would be submitted to foreign pressure by the intervention of American Evangelist movements. In a situation where Muslims feel that they are already particularly harassed, the criticism of the Kadhi's Courts which to date had never been contested, adds to this feeling of being misunderstood and threatened in the practice of their faith.

As it happens, Kenyan Muslims are not devoid of argument to defend their position. Even if in Nairobi the Kadhi's Court was only installed at the beginning of the 20th century, the existence of these courts rests on an almost immemorial tradition at the coast, a fact which contributes to the argument of their defenders. Additionally, the field of application of these courts being limited to issues exclusively concerning Muslims, their existence does not affect Christians.⁶⁹ The unanimity of Muslims on this issue appears to transcend social, economic and geographic divisions. But it also proves that it is on these contentious points (those that touch on the defence of Islamic values threatened by secularisation) that the unity of the faithful is expressed. This unanimity also reveals that the debate surrounding the application of *sharia* law, under cover of a non-religious state sheltering a minority of Muslims, represents a symbol of identity. In a country where a legal variety prevails, particularly implying respect for African customs where one of the parties is concerned, the recourse to Muslim law, albeit in limited cases, can contribute to the unity of the faithful claiming the same law. This represents a major element of collective identity. In addition, if the application of the *Sharia* is a symbolic gain, Muslims are very sensitive to it as it testifies to State recognition of their socio-cultural specificity. The possibility of being married, or divorced and inheriting in accordance with the religious law is a basic right as regards their faith, but it is also a pledge of consideration by

68 The representatives of about 20 churches contested the reinforcement of the competence of Kadhi's Courts and their place in the Constitution. Daily Nation, 22/04/2004 and 15/07/2004.

69 Interview with Al Muhdhar A.S. Hussein, Kadhi of Nairobi since 2003, 10/08/2004.

the State.⁷⁰ This is why, in a context where Muslims see themselves as victims of hostility, the maintenance of these courts seems to be a slight concession towards them.

CONCLUSION

While Kenya is at the border of dominantly Muslim countries (Sudan and Somalia) or those comprising important Muslim minorities (Ethiopia and Tanzania), political Islamic demonstrations are under high surveillance for fear of the spread of extremist Islamic tendencies. In Nairobi, the fact that several mosques have been associated with Wahhabi influence adds to this fear. However, the attainment of political power and the creation of an Islamic state propagated by Sharia Law is not the order of the day for Kenyan Muslims. Their aim is to obtain better recognition of their religious practice and values in an environment largely influenced by Christianity.⁷¹

The international context, dominated since 11 September 2001 by 'the fight against terrorism' indisputably affects the daily life of the faithful, worsening the feeling of marginalisation felt since independence. Nevertheless, the progressive opening up of the country to multipartyism followed by the constitutional reform process allowed believers to apply pressure in the political arena. If the experience of the IPK, whose audience was limited to the coast, did not result in the emergence of a political Muslim consciousness, the debate on the status of Muslim courts demonstrated the desire of some leaders to intervene in the public scene in order to maintain the traditions associated with Muslim practice in a non-Islamic country. Additionally, the fact that the main Muslim groups involved in this debate grew up in Nairobi and not in Mombasa presages the growing wish of Muslims in the capital to be involved in political debate.

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70 Interview with Abida Ali Aroni, Chairman of the Constitution of Kenya Review Commission since 2004, Nairobi, 12/08/2004.

71 The Christian identity was strongly affirmed under Daniel arap Moi, member of the Africa Inland Church, a fundamentalist church of American origin. The Christian faith even inspired the official ideology, known as Nyayo and represented by the philosophy of 'Peace, Love and Unity', which, according to the President, is from the African tradition and from Christian values.

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Newspapers

Daily Nation

East African Standard



View of Nairobi from Uhuru Park



View of Nairobi from Barclays Plaza, City Centre



The clean and well-maintained streets of Muthaiga, one of Nairobi's wealthier suburbs



Property at Muthaiga



Horse Riding School in Karen



Karen Blixen House in Karen



Pangani, a middle-income residential area



Dilapidated buildings in Pangani



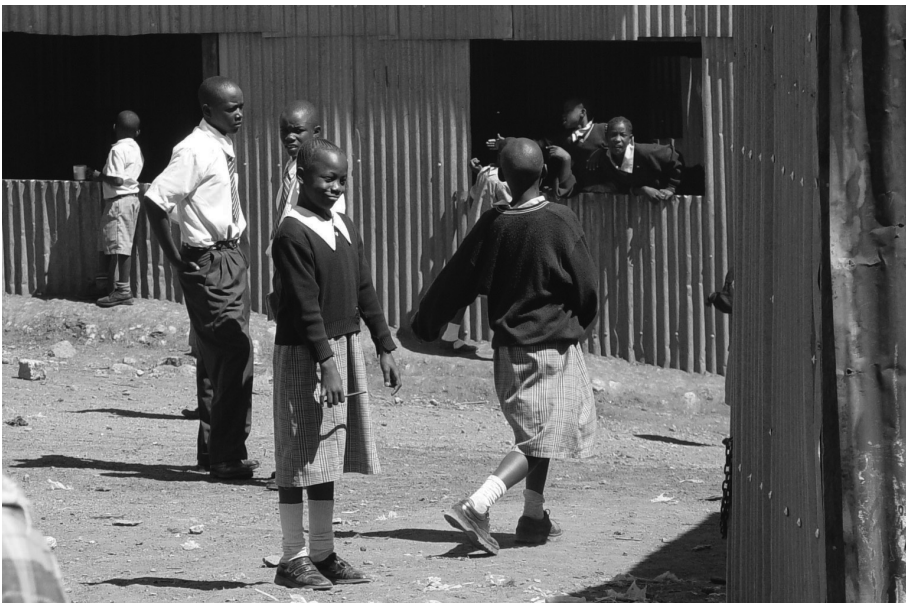
Kibera in 2006, a desolate slum



Cart-pullers in Kibera



Mathare Valley slum, as seen from Thika Road



Children at a primary school in Mathare



Water drainage, Kianda, in Kibera slum



Water supply point, Kianda



Garbage dumping in Kibera



Poor garbage management in Kariobangi



Jamia Mosque, the main mosque in the City Centre



The mosque in South C



Indian children in front of a temple in Parklands



Sari-clad women in Parklands



An open-air market in Kangemi



Fruit and vegetable market stalls in Ngumo



Jua Kali artisans along Juja Road, Pangani



Jua Kali artisan, Ngong Road



A matatu at the Railway Station bus stand



A matatu at Tom Mboya Street, City Centre



Biashara Street in the city Centre, one of the oldest commercial streets in Nairobi



Shop signs in Biashara Street



Amal Shopping Centre, Eastleigh



Sarit Centre shopping Mall, Westlands



Rush hour at the roundabout of University and Waiyaki Way



Students at the University of Nairobi

Pentecostalism in Nairobi

Yvan Droz

An old dilapidated film theatre conceals a church that was built, quite literally, from the inside.¹ Instead of the screen, there is a building site: a stage with walls under construction representing two towers, an arch, and the beginning of what will be a baptistery. This new structure is about 15 metres high and can hold more than 700 people. The feeling of being in the Middle Ages in a cathedral under construction transports the unwitting visitor to unlikely places. The walls of the theatre still bear traces of white and blue paint that liven up the film shows with scenes of the past: the residue of a luxurious era. The architecture consists of elements that emphasise the impression of (re)construction: the bare walls, the old lamps shaped like stars and the ruins of the mock platform made of white and blue slabs; it is an architectural expression of a renewed charisma.

The steps, which are made up of old cinema armchairs adorned with ashtrays, are quite out of place in a Pentecostal church. The only 'appropriate' piece of furniture in the new building is a pulpit decorated with a sober cross, eight chairs that are remnants of two different dining rooms, and an effigy of a gladiator, armed with a shield—sawn off in the remains of the wall-lining that once graced the theatre—and with a lance represented by a staff lightly trimmed with red cloth as well as a large cardboard sword. At its head is a simple sheet of paper stapled into a circle on which a severe expression has been drawn.

It is easy to gain entry into the church, despite all the entrances and exits being watched over by members of the 'brotherhood'. The faithful are approached by an usher who shows them to a seat in one of the rows of chairs. This is the only social act that has been retained in the various uses of the building. There are eight people kneeling at the foot of the chairs on the stage. Their backs are to the room and their heads are held between their hands. A newcomer restlessly walks about the stage and seems heavily preoccupied. At the start of the religious ceremony, there are only 80 people, but this number grows until there are almost 300 worshippers. The eight people kneeling in prayer (seven Africans and a European) are the associates of the pastor. He sometimes hands over the microphone to them so that they can take over the preaching.

1 A complete version of this chapter is available under the title 'Retour au Mont des Oliviers; les formes du pentecôtisme kenyan' in Séraphin, G. (dir.), *L'effervescence religieuses en Afrique*, Paris, Karthala, 2004, pp. 17–42.

At 10am the preacher, a Portuguese, starts the religious ceremony with hymns interspersed with preaching. The preaching is punctuated with an 'Amen' or 'Jesus'. The pastor ensures that the entire room participates in the ceremonies, just like a show-biz star. He enunciates, in a low but audible voice, sentences from his sermon, and then continues in a loud voice followed by his flock. He plays with the intonation of his voice to animate the room, roaring like a fierce lion, speaking with pity or consternation, or softly with a voice full of compassion. Sometimes, his speed of speech is so fast that that his words can barely be understood, but the congregation knows them by heart. From time to time, the pace is slower and filled with suspense, the orator asks questions and the room responds "Yes", "No", or "Jesus". At other times, he asks the audience to participate with gestures. They must then clap their hands, wave an arm as an acknowledgement, raise both arms up to the heavens to receive the blessing of Christ, put their hands on their heads to feel the exhilaration of the Holy Spirit entering, make a show of throwing off their sins with vigorous gestures, or stamp their feet in a fury to crush down evil. The congregation then steadily follows the preacher's orders—they rise up and sit down, transforming the religious service into a physical exercise. The whole ceremony is full of movement and somewhat deafening but thankfully the public address system is of excellent quality.

The sermon often resembles a rap session or the rock and pop music of the 1960s, which have the same rhythm and the same play on the intonation of the voice. Then a similarity with Latin-American sports commentators springs up and one feels one is experiencing a football match at the moment where a team goes for goal; the tone rises and vibrates as if its freedom—or the goal—is in sight. Gradually, his voice rises and moves to the rhythm of the music. The congregation holds its collective breath to hear the end of the sermon, and quivers with the preacher. The involvement of the flock and the preachers in the service is as physical as it is emotional. At the end of the blessings—of which there are several—the congregation turn towards each other and heartily shake hands saying "*Now you are saved*" or "*Your life is blessed*".

The vigour with which the service is conducted merits another comparison. The preacher, like a rock singer with a variety of gestures while dancing, shouts into the microphone before moving on to the gentler sounds of the blues, and then suddenly makes a rather political-sounding statement. The passing of the microphone to the other preachers during the sermon emphasises this parallel: each of them immediately takes up the sermon where his predecessor leaves off and gives a new rhythm to the 'song', sometimes more serious, sometimes faster or even more neutral. This diversifies the musical side of the

sermon. Additionally, the clothing of the preachers—formal but elegant—is reminiscent of the Zairean ‘Sape’² and emphasises the multifaceted aspect of the show.

Once the room has been warmed up, the pastor, speaking in a kind of English, and with a simultaneous translation in Kiswahili, narrates the story of David and Goliath. The effigy of the Roman soldier that appears on the scene is confirmed to be that of the giant Goliath. The preacher explains to the assembly that each of them must hold close his faith in the stone thrown by David because the stone represents Jesus. The believers are invited to construct a Goliath by compacting into one all their enemies and everything that goes against the realisation of their professional ambitions. The preacher announces that, the following Sunday, each person can throw a stone at Goliath and he shows how this will be done. Before his demonstration, he whispers into the microphone, “*Provided that I do not miss*”, bursts into laughter, throws the stone... and misses. The people smile, finding the joke extremely amusing. The play on the emotions of the gathering is very elaborate and the preacher conceals a brilliant technical mastery under the youthful air he has assumed. Indeed, the psychological processes registered in this scene remind one of Rogerian psychology, which uses projection for therapeutic purposes. Associated with cathartic fervour and with the intense emotional manifestations of the believers, this technique reinforces the symbolic efficacy of prayer, as “*each of the faithful is in place, restored in the original context of the healing of Christ. Prayer thus lived becomes a symbolic reconstruction procedure of the context of biblical verses*”.³

Soon after, the preacher announces the next gift of ‘olive oil from Israel’, which he had collected the previous month from Jerusalem. He then explains how to wash one’s sins with the blessed oil. He recommends an anointing on Tuesday (the day of the sick), Thursday and Saturday. The following Sunday, the faithful who have followed his advice will be purified of all the ills that may assail them. Several times over, he announces the potential gift of the oil... before taking up his sermon. The oil is thus at the core of the religious ceremony, just as promised in the advertising placards posted at the front of the church since the previous Monday. At the end of the service, the faithful place on the dais envelopes containing their tithe, which has been indefatigably demanded by the preacher throughout the service. The link with the Mount of Olives and Christ is instantly evident and this does not escape the notice of the believers, while the insistence on anointing makes reference to the

2 Sape: Société des Ambianceurs et Personnes Elegantes, (pron. ‘sap’) is the acronym for the flamboyant Congolese fashion and posturing trend begun in the late 1970s in Kinshasa.

3 Soubeiga, A. ‘Quête de guérison, conversion, évangélisation ; Groupes charismatiques et Églises pentecôtistes face au Mal’, in Otayek, R. (dir.), *Dieu dans la cité; Dynamiques religieuses en milieu urbain ouagalais*, Bordeaux, Centre d’Étude d’Afrique Noire, 1999, p. 120.

etymology of the verb ‘to anoint’ which corresponds to the Hebrew name for the Messiah. Due to the etymological root, the preacher reinforces the feeling of the faithful that they are living in a world re-enchanted by ‘the beginning’, which returns to associate the ordinary lives of Nairobi residents to the biblical world in which God is immediately present in His miracles. Faith in the strength of the divine word goes in tandem with the literal interpretation of the Bible, since it is enough to scrupulously ‘replay’ biblical scenes in order for God to manifest his presence by a pouring down of miracles. Proving his immediate presence, the effectiveness of prayer is thus emphasised by apparent miracles and reinforces the relevance of a literal interpretation of the Bible.

Before giving the oil, the preacher broaches the sensitive subject of money. He explains that the Kingdom of God cannot be bought in local currency, but as everyone knows, finances are important even for the church. He then recalls that the church is open daily and that the faithful can gather at any time and take part in any of the 32 weekly services. He adds that God does not give freely, that one must first give oneself to Him, make a gift of self to Jesus, and take the first step before being compensated by the hundreds. He affirms that the faithful must therefore give a gift in order to receive the olive oil from Israel and he invites them to receive it. He asks his assistants to place two tables at the foot of the stage on which each person can bring his gift and there receive the oil from Israel. Several people have one or two Ksh 20 notes in their hand, which they offer in exchange for a coupon giving rights to the famous oil.⁴

It is of interest to compare this religious service with the description given by André Soubeiga⁵ of prayer groups of the renewed Catholic charismatic movement, which shares several traits with the Burkinabe Pentecostal movements. He describes the elaborate set-up—theatrics that transform prayer into a spectacle. He emphasises the spontaneity and emotional involvement of the participants, which are bound to remind one of the early church in which concrete manifestations of God are felt materially as affirmed in the Acts of the Apostles. These two characteristics of a renewed Christianity partly explain the success these movements have experienced. If, for example, one compares the religious Pentecostal Services to the Catholic Mass, the fervour of the Pentecostals is surprising. This observation can be applied in other contexts: in Ghana, Birgit Meyer describes the same feeling as she compares a Pentecostal movement to a Presbyterian Church; in Cameroon, Gilles Séraphin shows elements of a similar situation. Standing squarely in

4 See Droz, Y. ‘L’Église Universelle du Royaume de Dieu au Kenya’ in Corten A., Dozon J.-P. and Oro A. P. (dir.), *Les nouveaux conquérants de la foi; l’Église universelle du royaume de Dieu (Brésil)*, Paris, Karthala, 2004, pp. 103–108.

5 Droz, Y. ‘Migrations Kikuyus: des pratiques sociales à l’imaginaire; Ethos, réalisation de soi et millénarisme’, *Recherches et Travaux* N° 14, Neuchâtel Institut d’ethnologie et Maison des sciences de l’homme de Paris, 1999, pp. 114–118.

our face are the leitmotifs of a conversion to a Christian revivalism, which is often expressed by a metaphor comparing a living church (revitalised), with a dead one.⁶

MILLENARIANISM

'Woman resurrected from the dead', declared the *Daily Nation* three days before Christmas 1993.⁷ She had survived three days in the City Mortuary in Nairobi, where she had been taken, and an officer had given a death certificate. 200 believers of the Roho Church, a Pentecostal scion of the Legio Maria, gathered at the mortuary and the founder of the movement was finally allowed entry into the morgue to pray and call the young woman by name. To the general surprise, a weak voice responded from the cold chambers and the woman emerged, visibly weakened, but well and alive. In the following days, the police first raised doubts on the legality of the death certificate and then issued a warrant of arrest for the leader of the church. He in turn hid for several days but finally gave himself up to the police. However, this was only after he had been to the newspapers to give his version of the events. He claimed to be 'as old as Jesus', and had the ability to 'telephone' God. He also claimed to have the gift of speaking in tongues (English, Latin, French) and many other languages when he was inspired. Nevertheless, he was charged with theft, heading an illegal association (the church was not registered as such) and for disturbing the peace. The daily newspapers gave this news headline attention throughout the Christmas period. This little church all of a sudden acquired a national audience and its leaders became martyrs, though considered by the worldly authorities as common bandits. The former dead girl reaffirmed her faith in the leader of the movement, considering him to be Jesus Christ, and avowed that she had truly died.

The resurrection—beyond its incredible aspect—is manifested in miraculous healings carried out by Pentecostal preachers, a sign of the power that God has bestowed upon them. The blind see, the lame walk and the dead are restored to life—the millennium must therefore be close. According to the Scriptures, it would be preceded by miracles such as those performed by Christ and these wonders indicate the Second Coming. The credibility that the newspapers gave to this event—varying between disbelief and temptation—clearly shows the extension of the millenarianism expectation

6 See the works of: Smoker, D. 'Decision-Making in East African Revival Movement Groups' in Barrett, D.B. (dir.) *African Initiatives in Religion*, Nairobi, East African Publishing House, 1971, pp. 96–108; Barrett, D. and Padwick T.J., *Rise Up and Walk! Conciliarism and the African indigenous Churches, 1815–1987; A Sequel to Schism and Renewal in Africa* (1968), Nairobi, Oxford University Press Kenya, 1989; Meyer, B., *Translating the Devil; Religion and Modernity among the Ewe in Ghana*, International African Library N° 21, Edinburgh, Edinburgh University Press, 1999; Séraphin, G. 'Quand Dieu façonne le monde à son image. Évolutions religieuses et recompositions anthropologiques et sociales dans une ville africaine (Douala, Cameroun)' in Charlier J.-É. and Moens F. (dir.) *Modernités et recomposition locale du sens*, Mons, Faculté Universitaire Catholique de Mons (FUCaM), 1999, pp. 91–119.

7 See *Daily Nation*, from 22/12/1993 to 4/01/1994.

that characterises these new religious movements. This expectation also takes violent forms when disappointment comes after the frenzied hoped for miracle, such as for Jackson Makau who, after taking part in a week of healing miracles, could not bring himself to return home without having been healed. The police had to intervene to prevent him from attacking the other participants at the week of prayer that was supposed to end in miraculous healings.⁸

This atmosphere of excited anticipation of paradise is also expressed in the numerous Pentecostal publications (sold on the streets and during the religious services of several Pentecostal churches) with significant names: *Maximum Miracle Centre*, *Universal Church of the Kingdom of God*, *Jesus is Alive Ministries*, *Jesus exploits Ministry*, *Glory of Christ Ministry*. These publications make announcements of forthcoming crusades and peddle rumours that are also signs of the imminent end of the world. The Antichrist is said to live among us and tempts the faithful through the use of false prophets; the Y2K bug on computers showed that the power of God remained superior to man's technical miracles; bar codes conceal the sign of the Beast because if one looks at them closely and carries out a numerological calculation, you get the famous 666; dead children are revived after having received the placing on of hands by valiant preachers; the 1988 attack on the American Embassy in Nairobi is an attempt by Satan's friends to weaken the soldiers of Christ; the inauguration of a Hindu temple is a sign of the strength of idols.⁹ There are several Kenyans who live in a world held in thrall by the apocalyptic predictions of the Pentecostal movements.

Such rumours are legion and are not, strictly speaking, confined to Pentecostalism, as they appear in a large range of religious movements. It is enough to mention the case of the Mungiki movement to be convinced that the healings do not explain all the attraction of the new religious movements, be they Pentecostal or independent. Indeed, the Mungiki movement conceals a political protest based on ethnicity (Kikuyu) and expresses the constitution of a political contra-power, as analysed by Hervé Maupeu.¹⁰

8 Daily Nation 25/01/1994, p. 5.

9 Séraphin G. 'La presse chrétienne de Nairobi: Des combats politiques et idéologiques dévoilés', in Maupeu, H. (dir.) *L'Afrique orientale*. Annuaire 2003, Paris, Karthala-IFRA, 2004, pp. 131–165.

10 Séraphin, G., op. cit.

The common impression in contemporary Kenya, of living in an economic and political purgatory while waiting for the Judgement Day of the next presidential elections, accords some credibility to the millennium perspective propagated by several preachers.¹¹

This is stated by Valeer Neckebrouck in his description of the millenarist expectation of the Pentecostals:

The millennium is eschatological in nature, situated in the future. It is sustained by God and centred in the Messiah, King Jesus. But at the same time, and in keeping with classical eschatology, its advent unveils a terrestrial reign of the Messiah where those who have believed will be blessed, happy and prosperous. Immediate gratifications that the Pentecostal Kikuyu expect from the Holy Spirit are also elements of the deferred millennium.¹²

These millenarist tendencies animated the Protestant missionaries from the beginning of evangelisation in Kenya and have strongly characterised the introduction of Christianity: “*Faith Missions such as the Africa Inland Mission had a feeling that ‘the time was short’ before the coming of the Lord, and God’s agents should not heavily involve themselves in education*”.¹³ Associated with the East African revival, these feelings informed religious practices all through the evangelization period, especially during the period of the Mau Mau War, while revivalist preachers turned over Mau Mau adherents to make themselves fervent propagators of the Christian perception of the millennium.¹⁴

The wave of Pentecostalism that has swept through Kenya in the past ten years reinforces the millenarist feeling which coalesces in the expectation of the Messiah’s Second Coming. This is a classical aspect of Christianity. Several Pentecostal preachers wish to hasten the coming of the Messiah by achieving *hic et nunc* the signs preceding the final confrontation. Thus, they try to preach the gospel to all nations, particularly in India and China in order to achieve the last sign, since the others are already commonplace—famines, earthquakes, debauchery, war. In addition, the expectation of Christ’s Second Coming reinforces the appeal to the conversion to Pentecostalism since it promises the Just 1000 years of abundance in the arms of the Saviour¹⁵. Not only does Pentecostalism claim to have achieved daily wonders in the form

11 For an analysis on the vernacular origins of milleniumisms in Central Kenya, see Droz, Y. ‘Les formes du millénarisme en pays kikuyu’ in Grootaers J.-L. (dir.), *Millenarian Movements in Africa and the Diaspora*, Bruxelles, Académie Royale des Sciences d’Outre-Mer, 2001, pp. 97–112.

12 Neckebrouck, V., *Le peuple affligé: les déterminants de la fissiparité dans un mouvement religieux au Kenya central*, Immensee, Nouvelle revue de science missionnaire, 1983, p. 342.

13 Anderson, W.B., *The Church in East Africa 1840–1974*, Nairobi, Uzima, 1977, p. 82.

14 Maloba, W.O., *Mau Mau and Kenya; An Analysis of a Peasant Revolt*, Bloomington, Indianapolis, Indiana University Press, 1993, pp. 139–140.

15 See also Morovitch, B. ‘La conversion dans une Église akurinu: le choix d’un réseau non exclusif’, *Cahiers d’études Africaines*, 2006.

of miraculous healings, anti-witchcraft protections, social ascent, economic success, etc, but it also affirms that 'the time is near' and that 'true believers' will be transformed to live the millennium on this earth.

Paradoxically, Pentecostal preaching rarely speaks of the millennium as if it is conceived as a teaching reserved for the faithful. It is not possible to announce the Second Coming of Christ, as the Bible denounces false prophets¹⁶ and emphasises that this blessed time is only known by God. Therefore, millenarist preachers are forbidden to announce the end of the world without running the risk of being accused—by their counterparts—of being one of the false prophets. However, in private, they reveal their deep conviction that the Messiah is already among us and lives hidden.

WHY PENTECOSTALISM HAS BEEN A SUCCESS

In Kenya, President Moi made a show of his conversion to Pentecostalism to enlist the support of the Pentecostal movement and to contest the legitimacy of the prelates of other religious denominations.¹⁷ He did this at a time when political activism was expressed by the voice of the Churches or by the creation or reactivation of the independent Churches, as seen in the example of the Mungiki.¹⁸ If, in the 1980s, the president controlled the evangelical Africa Inland Church by purging its leadership of Kamba people—potential adversaries—and strengthening the Kalenjin prelates, he then proceeded to seek the support of Pentecostal churches and foreign or local preachers. Thus, the Pentecostal movements urged their faithful to respect secular political power as they are thought to have been chosen by God in the 1992 and 1997 elections, won by Daniel arap Moi. Religious services or crusades reaffirm the need to obey the political authorities as their mission is legitimised by divine wishes.

Following are other elements that merit emphasis in order to understand the passion for Pentecostalism. First, the historical process of the introduction of the Christian faith in Kenya does not correspond with a religious conversion understood as the total and personal adhesion to the Christian faith, much less to the experience of the Pentecostal revival. Christianity was actually in competition with Islam and the prophetic movements, which appeared in the

16 Matthew 24: 24.

17 Gifford, P. 'Some Recent Developments in African Christianity', *African Affairs*, vol. 93, 1994, pp. 528–529; Maupeu, H. 'Organisations pentecôtistes, espace public et sujet politique: L'exemple du Kenya', *Colloque: Laïcité, religions et démocratie: perspectives comparatistes*, Paris, 7–8 décembre 1998, p. 15.

18 Maupeu, H. 'Églises et société', in Grignon, F. and Prunier, G. (dir.) *Le Kenya contemporain*, Paris, Karthala-IFRA, 1998, pp. 143–167; Throup, D.W. 'Render unto Caesar the Things that are Caesar's: The Politics of Church-State Conflict in Kenya 1978–1990' in Hansen, H.B. and Twaddle, M. (dir.) *Religion and Politics in East Africa: The Period Since Independence*, London, James Currey, 1995, pp. 143–176; Throup, D.W. and Hornsby, C., *Multi-Party Politics in Kenya: The Kenyatta and Moi States and the Triumph of the System in the 1992 Election*, London, James Currey, 1998.

19th century.¹⁹ Thus, apart from those excluded, or the refugees of the Great Famine who were the first batch of converts, the conversions at the beginning of the century followed the pattern of flowing water, often following the rhythm of rainfall: conversion increases after the rains, only to shut down in periods of drought. Conversion to Christianity therefore depended on anti-witchcraft powers, or the rainmaker ability of the evangelisers.²⁰ This still applies to the conversion to Pentecostalism which promises mountains and marvels, health and wealth and, above all, protection against Satan and his acolytes. Thus, conversion endows the faithful with an anti-witchcraft shield.

Lure of gain, internal conflicts, hierarchical covetousness, misappropriation of funds or backsliding of the faithful are also some of the causes of conversion to Pentecostalism in Nairobi. Therefore, we would not like to limit these elements to their financial aspects. Indeed, such reasons also correspond to practices in vogue within the Kenyan administration and they are not bound to material enrichment. In both cases, the lure of personal accomplishment, of course dependent on financial means, goes beyond the materialistic perspective, as it means obtaining the status of 'big man'.²¹

The faithful of the Pentecostal movement are not insensitive to the ostentatious display of the wealth of their Church, which, in their sight, might justify their affiliation with a distant foreign Church. This attraction to riches is inscribed along the right of the 'theology of prosperity' unique to the North American trend of Pentecostalism²² (wealth is a sign from God, just as poverty is a sign of sin) or to certain trends of African Pentecostalism. It appears that Pentecostalism mobilises more individuals with a financial base that lifts them above the poorest without their belonging to the middle or wealthy classes, who are generally Anglican or Presbyterian.²³ The meagre resources of the faithful do not offer assurance for the future; they do not protect their children against the blows of fate, be they political, economic or ecological.²⁴ Materialistic anxieties about the future, linked to the conviction of the Second Coming, are two common characteristics among the Pentecostals.

19 For some examples of Kenyan prophetic movements, Ambler, 1995; Lonsdale, 1995; Welbourn, 1961; Wipper, 1977; Morovich, 1997; Njeri, 1984.

20 Strayer, R.W., *The Making of Mission Communities in East Africa: Anglicans and Africans in Colonial Kenya, 1875–1935*, London, Heinemann, 1978, pp. 14–59. See also the detailed analysis by Lonsdale on the reinterpretations of Christianity among the Kikuyu at the beginning of the century, Lonsdale J. 'Kikuyu Christianities' *Journal of Religion in Africa*, vol. XXIX (2), pp. 206–229.

21 For a Kikuyu example, see Droz, Y. 'L'ethos du mûramati kikuyu; Schème migratoire, différenciation sociale et individualisation au Kenya', *Anthropos*, vol. 95 (1) 2000, pp. 87–98.

22 Martin, D. *Tongues of Fire: The Explosion of Protestantism in Latin America*, Oxford and Cambridge MA, Blackwell Publishers, 1990.

23 Maupeu, 1998b, *op. cit.*, pp. 15–16.

24 This is a trend. Urban Pentecostals seem to belong to the middle class essentially composed of low-grade civil servants and poorly-paid employees. However, some believers dress in rags while others appear at religious services covered in glittering jewels.

There is a recurring insistence throughout the sermons of Pentecostal movements that the paying of tithe, the making of offerings and other financial sacrifices are indispensable for a good Christian. Religious services work as a 'financial pump' extracting money from the flock and leaving it to God to give it back 'a hundred times' over. This material preoccupation by the clerical hierarchy concurs with that of the believers. Money and external signs of wealth are considered to be a blessing. Thus, ostentatious spending is a constituent element of the believers' social practices. And these expenses are considered only for the good of the church, in order for it to grow and develop, so that its external appearance corresponds with the beauty of the religion it professes. Hence the gleaming cars that hold court at the front of the church and the preachers always dressed in elegant suits-and-ties, the model of opulence in sub-Saharan Africa. For the Pentecostals, 'true' faith must logically accompany ostentatious luxury, as the poverty of the true believers cannot be pleasing to God. The symbolic connotations of wealth go beyond the purely pecuniary aspects and present moral aspects that lead to self-accomplishment.

The Christian ethic of poverty is the exact opposite of the opulence that suits the accomplished man or the religious leaders. However, Christian ethic is often evoked, paradoxically, to explain the sudden poverty of a church, interpreted as putting the faithful to the test, like an episode of the tribulations preceding the Second Coming of Christ; or in another area, poverty is seen as a subversive criticism of corruption that undermines Kenyan politics and its economy.

This is another sign of the ambivalence that prevails in the appropriation of Christian religious practices by the independent or Pentecostal religious movement. The imagination of Pentecostalism considers the occult 'forces', beneficent or evil, as a principle of explanation of the world where wealth, in its ambivalence, functions as an index—or the symptom—which reveals them. If the political world and, in a small measure, the religious one, attempt to implement this conception of wealth in order to keep or to obtain worldly power,²⁵ it is worth recalling the ambiguity that characterises and renders its usage uncertain and potentially dangerous for those who risk it.²⁶

Note that some Nairobi churches do not have the financial wherewithal for opulence. Their members consider the laborious growth of their indigenous church as a sign of the period of tribulations, or of being put to the test that God offers to his faithful to prove the strength of their faith. This confirms, according to the church ministers and their flock, that they are truly living

25 Maupeu, 1998b, op. cit. pp.16–18.

26 See Droz, Y. 'Les origines vernaculaires du Réveil pentecôtiste kenyan: mobilité sociale et politique', in Corten, A. and Mary, A. (dir.) *Imaginaires politiques et pentecôtisme; Afrique/Amérique latine*, Paris, Karthala, 2001, pp. 81–101.

in the period preceding the Second Coming of Christ. Indeed, this era must be preceded by signs—the emergence of false prophets (pastors from other Pentecostal denominations are sometimes considered so), the presence of the antichrist, earthquakes, epidemics (AIDS), etc. This belief in the happier time of the Millennium to come is coupled with the conviction of being the chosen people who must endure the ultimate test: the faithful thus have the dire feeling of living in the times of tribulation which must come to pass before the Second Coming. This leads to an open attitude where each person is welcomed as a future member of the movement who will be filled by the Holy Spirit and obtain eternal life, as well as—and at the same time—an exclusive fanaticism which rejects as Satanism all practices that do not correspond to the orthodoxy of a literal reading of the Bible. Pentecostalism thus offers an opportunity to all people, but woe unto they who know not how to seize it.

Conversion to Pentecostalism represents a particular form of conversion since it does not presume one must recant one's previous faith. In the renewed charismatic movements, it is possible to be Pentecostal and to remain Anglican, Presbyterian, Independent or even Catholic. To be 'born again' by a second baptism does not infer a new conversion since no change in religious affiliation is demanded. It is rather to qualify or to characterise a classical religious experience by insisting on the faith experience through being filled with the Holy Spirit. This is a result of the conviction of living in the blessed and amazing times of the apostles of the first century and on the certainty of soon experiencing the apocalyptic predictions (Droz, 2001a).

Additionally, taking part in a Pentecostal religious service is often explained by personal setbacks and the quest for healing.²⁷ The faithful expect concrete results from their religious involvement, which perhaps explains the fervour that characterises Pentecostal religious services. The miracle healings are an example of the believers' expectations. Sometimes the preachers even demand the possibility of the healing of AIDS through miracles ... to feed the hopes of certain well-respected expatriates. Any one of them can hope for a promotion, not just getting a job. Others expect to close a deal, still others to keep their jobs. Sometimes, the pastors give hope for great financial gain for those who respect the precepts of Pentecostalism—not to drink alcohol, not to smoke, to be faithful and to pay one's tithe.

To be clear, one must not consider this pragmatic use of religion in a purely economic or therapeutic perspective, as religious practices are embedded in the social practices that get the measure of their daily efficiency.²⁸ Also, the

27 Droz, 1997; Droz, 1999; Droz, 2001a; Marshall, 1993; Séraphin, 1999; Soubeiga, 1999.

28 As noted by Laurent for the Assemblies of God in Burkina Faso: Laurent, P.J., 'Conversions aux Assemblées de Dieu chez les Mossi du Burkina Faso: modernité et socialité', *Journal des Africanistes*, vol. 68 (1–2) 1998, p. 80.

symbolic efficiency of conversion belongs to a context where the question of the reality of conversion has no meaning. Questions on purity or on the veracity of faith cannot be expressed but in a Christian world where transcendence and individual choice have a meaning. Religious practice has long been embedded—in the sense that Karl Polanyi gives to the term—in social practices and to consider them separately or to speak of faith and of true conversion artificially isolates as peculiar practices that have no meaning for the faithful.

The forms of Pentecostalism presented in this paper cross the urban–rural divide. The same expressions of Pentecostalism existed in rural areas—on the Laikipia plains for example—in the middle of the 1990s. Needless to say, the ceremonies were quite different from those that occurred in the large churches of Nairobi. Additionally, in rural areas, the lack of electricity limited the use of musical instruments, which were replaced by the tambourine. Added to that, the assembly of the faithful was often reduced to some tens of people. That, obviously, was not without consequence in the collection and thus on the proprieties. However, those slightly less elaborate services are also a common feature of some of the new Pentecostal churches in Nairobi. These new movements that are found as much in the city centre as in the suburbs of the capital are similar to those Pentecostal congregations found in the rural areas. Aside from the issue of demographics and the pomp that is permitted by the economic level of urban life, the expressions of Pentecostalism form a continuum that is not confined within the urban boundaries. Moreover, the town population is quite unstable and the stay in town is often just a step in the course of a life which generally ends up anyway in the rural area.²⁹

Nevertheless, the fact that Pentecostalism is found with similar features in the town as in the countryside does not reduce its importance in understanding the urban phenomenon. Indeed, this religious movement allows the migrant quickly to become part of a new urban community. It sometimes reproduces networks that are found both in the countryside and in the town and it promises a better world that compensates for the disappointments that the limelight of the town might bring. In brief, Pentecostalism—in its various forms—is a part of the daily life of Nairobi.

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29 Droz, Y. and Maupéu, H. (dir.), *Les figures de la mort à Nairobi; Une capitale sans cimetière*, Paris, L'Harmattan, 2003.

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Local Political System of Nairobi

Winnie V. Mittulah

Nairobi's local political system should be discussed and understood in the context of the political system of Local Authorities in Kenya as constituted in the Local Government Act Chapter 265. In this context, this section begins with an overview of the political system in Local Authorities (LAs) in Kenya, including a brief discussion of election of councillors and central government and LA relations, and a presentation and discussion on political system in Nairobi City Council (NCC). This is followed by a discussion on governance of the city which concentrates on resource mobilisation, allocation and management and the role of councillors in these processes.

POLITICAL SYSTEM IN LOCAL AUTHORITIES

Local Authorities are the political and administrative organs for local governance of resources in most societies. They are conceptualised as lower level entities in the decentralisation debate, which puts emphasis on citizen participation. While there are a number of justifications for local governance, most 'experiments' in decentralisation and local democratic governance suggest that African local democracy and governance has failed in virtually every place it has been tried.¹ A number of reasons have been provided for the failure of local governments across the globe, including Africa. They include: deliberate withholding of resources by the central governments,² central bureaucratic hostility and weakness,³ turbulent economic and policy environments which have undercut local institutions, and an undeveloped local civil society that does not effectively support governments in service delivery,⁴ and absence of complementary reforms needed in national administrative law systems.⁵

1 Olowu, D., 'The Failure of Current Decentralisation Programmes in Africa', in Wunsch, J. and Olowu, D. (eds.), *The Failure of the Centralised State: Institutions and Self Governance in Africa*. Boulder: Westview Press, 1990, pp. 74–99.

2 Mutahaba, G.P., *Reforming Public Administration for Development : Experiences from Eastern Africa*, Hartford, CT: Kumarian Press.

3 Smoke, P., *Local Government Finance in Developing Countries*, Nairobi: Oxford, University Press, 1994.

4 See Wunsch, J. and Olowu, D., 'Regime transformation from below: decentralisation, local governance, and democratic reform in Nigeria', *Studies in Comparative International Development* 31 (4), (1996): 66–82. Olowu, D. and Wunsch, J., 'Decentralisation, Local Government and Primary Health Care in Nigeria: An Analytical Study', *Journal of African Policy Studies*, 1 (93), (1995): 1–22.

5 Ayee, J., 'The adjustment of central bodies to decentralization: The case of Ghanaian bureaucracy', *African Studies Review* 40 (2), (1997): 37–58.

LOCAL AUTHORITIES IN KENYA

Most of the above listed reasons affect LAs in Kenya and Nairobi City Council (NCC) is no exception. The NCC like other Local Authorities in Kenya is run through a political system comprising elected, nominated and appointed councillors. Councils are important organs of LAs and are charged with the mobilisation of resources at the local level and policy formulation. Elected councillors are the majority (55), while nominated ones are only 16. Each LA is divided into electoral areas (wards) with each ward electing one councillor to the Council. The councillors represent the electorate, and a prospective councillor should be respected in his community, be familiar with the community she/he seeks to represent and must understand the community⁶.

The political system works through a committee system based on elected and nominated councillors. The number of committees depends on size, including number of departments, needs and category of LA. Councils in Kenya operate on a Committee System composed of committees, sub-committees and full council. The committee system is dominated by elected councillors, backed up by a team of qualified administrators. All committees, except the Finance Committee are established by the respective LAs subject to approval by the Minister of Local Government. The Finance Committee is specified in the Local Government Act Cap 265, and is mandatory in all LAs. In smaller LAs, the Finance Committee also controls, regulates and manages such matters, as may be determined in addition to finance. In such cases the committee is referred to as Finance and General Purpose Committee.

Council committees are responsible for debating and resolving issues, while sub-committees are often appointed to look at specific aspects of functions of committees. Once an issue is debated and resolved in these two organs, it goes to full council meeting for approval. The conceptualization of the committee system is good but at a practical level, the system has been problematic. Debates are never effective, and councillors focus more on their personal and ward interests without examining the challenges facing respective wards and councils as a whole. This problem has been demonstrated in the allocation of resources from the Local Authority Transfer Fund (LATF) and related Local Authority Service Development Action Plans,⁷ where competition has been over how much each councillor gets for their respective wards.⁸ While it is right for the councillors to be inward looking, this approach has

6 Akivaga, S.K, et al., *Local Authorities in Kenya*. Nairobi, Heinemann, 1988.

7 LATF transfers five per cent of national income tax to all LAs based on well-outlined criteria. LAs are penalised for late submissions by getting less than the allocated amount. To access LATF, each LA has to prepare a LASDAP, and demonstrate that a participatory approach has been applied in preparing the LASDAP.

8 Odhiambo, M., Mitullah, W.V. and Akivaga, K., *Management of Resources in Local Authorities: The Case of Local Authority Transfer Fund (LATF) in Kenya*, Nairobi: Clairipress, 2005.

partly contributed to the chaos in most LAs. The leaders do not have the big picture of the council. This is demonstrated in poor policy making, financial management and insufficient consultation with stakeholders.

Election of Councillors

Elections are the basis of representative democracy. It is a principle recognised by Article 25 of the International Covenant on Civil and Political Rights and Article 21 of the Universal Declaration of Human Rights. These principles put emphasis on free choice, representation and participation in governance. Kenya is a signatory to these provisions and national and local government elections are held every five years in pursuit of these principles.⁹ Both national and Local Government elections occur every five years, on the same day in one venue using different ballots.

Councillors are elected by the residents of Local Authorities after nomination by respective political parties. This implies that the residents of LAs are never given a first priority to propose who should lead them. They have to contend with those already proposed by respective political parties. Once nominated, candidates campaign for their respective parties, largely leaning towards the agenda of their party and parliamentary candidates falling within their respective wards. In a number of incidences, candidates are elected irrespective of their ability, provided the party the candidate represents is dominant or popular in the constituency the ward falls in.¹⁰

The unfortunate situation in the party nomination and alliance model is the fact that most political parties in Kenya have no clear vision, with a significant percentage having the same or overlapping vision. In recent times, politics in Kenya has been dominated by party mergers, alliances, realignments, decamping and defections. These actions are not influenced by principles or change of vision and objectives of political parties but by parochial tendencies, including mere disagreement with fellow colleagues. These tendencies do not only exist within LA councils but also in the national arena represented in the National Assembly of parliamentarians.

Prior to the 1997 Constitution of Kenya Amendment Act, most elections were not free and fair. They were manipulated by the one-party regime, and candidates who were not like-minded had difficulty in being nominated, campaigning and winning elections. The single party democracy emasculated voices of dissent and institutions of critical thought while concentrating its efforts on liquidating political competition rather than nurturing democratic

9 The legal and institutional basis for national and local government elections in Kenya is derived from the Kenya Constitution, National Assembly and Presidential Act, Cap 7; the Local Government Act Cap 265; the Election Offences Act Cap 66; Kenya Broadcasting Corporation Act, Cap 221; Public Order Act; Societies Act, Cap 108 and Penal Code Cap 63.

10 Mitullah, W.V., et al, 'Leadership for Local Democracy: Case Study of Nairobi City Council' in Democracy at the Local Level in East and Central Africa: Profiles in Governance, Stockholm, International Institute for Democracy and Electoral Assistance (IDEA), 2004.

choice.¹¹ During this period, the Minister for Local Government had the power to nominate councillors, a legal right that was abused by most Ministers. While the provision was aimed at bringing in individuals with relevant skills and knowledge that are lacking in democratic elections, the provision became a rewarding mechanism to political supporters, including those who fail to make it during elections. The amendment withdrew full powers of nominating councillors from the Minister. The power was transferred to political parties, in consultation with the ECK, while the Minister was left with power of ratifying appointments.¹² This amendment has not solved the intended objective of nominating individuals with skills and knowledge. The parties still nominate councillors based on patronage, thereby creating a new format of sharing patronage across parties depending on their strength in elections.

Once the councillors are elected, their first business in the Council is to elect a mayor by secret ballot. This power of electing a mayor creates divisions and shifting alliances which often result in a vote of no confidence in a mayor. Further, it contributes to most councillors concentrating on keeping alliances and managing political manipulations as opposed to concentrating on policy issues relating to provision and management of services. This shortcoming partly contributed to the new provision in the Draft Preliminary Bill on Local Government Act Cap. 265. The Draft Bill states that: “*the Mayor of a Metropolitan, City and Municipal Council shall be directly elected by the local authority voters*”.¹³

While election by the local authority voters gives the mayor a solid mandate, taking the case of elected Members of Parliament (MPs), it is not given that direct election by the voters will make the mayor more effective. However, it will reduce the political manipulations and alliances at council level, and provide leeway for concentrating on policy and governance issues relevant for effective management of council resources.

It is critical to understand and appreciate the electoral process for electing councillors and mayors and how councils work with their respective technical departments. This system plays a big role in the nature of politics that prevails in LAs. Most councillors owe their allegiance to their political parties and Members of Parliament within the constituencies where their wards fall. They have little regard for their constituencies and the residents of the LA at large. At council level the situation is worse since councillors form alliances during the election of a mayor, and maintain the alliances so long as they are beneficial to their standing within the council. These alliances cause rifts within the council that often end up totally disabling operations of respective councils.

11 Wanjala, S. 'Elections and the Political Transition in Kenya', in Murugu, Mute, Kioko, Wanza and Akivage, S.K., Building an Open Society: The Politics of Transition in Kenya, Nairobi: Claripress, 2002.

12 Mitullah, W.V., et al., op. cit.

13 Republic of Kenya, Preliminary Bill on The Local Government Act Cap 265. Nairobi, Ministry of Local Government, 2001.

The quality of councillors in Kenya, like in many African countries, has been wanting and the nomination of skilled and knowledgeable councillors was meant to back up the elected councillors. Most councillors have a low level education with some councils having councillors who have not even completed primary level education. The Draft Preliminary Bill on the Local Government Act Cap. 265, Constitution of Kenya has a new provision that requires councillors to have a minimum of the Kenya Certificate of Secondary education or its equivalent. The requirement for mayor is more stringent. A mayor has to possess a University Degree and at least ten years experience in the management of a private or public organisation; and should have integrity.¹⁴

Local Authority and Central Government Relations

Apart from the quality and role of councillors, the central government supervisory and fiscal relations with LAs have also contributed to the socio-economic and political problems facing LAs. The reduced fiscal support from the Central Government to LAs since 1969 has contributed to their poor performance.¹⁵ During the 1970s and 1980s, this reduced support obliged LAs to fall back on their reserves accumulated during the 1960s. This in turn increased the deficits in General Rate Fund Revenue Accounts, and caused arrears in payments by the LAs to other public sector agencies. Some of these agencies who owed LAs revenue paid in contributions in lieu of rates. The various changes in fiscal intergovernmental relations weakened the ability of LAs to play their proper role in service provision and local governance.¹⁶

The acknowledgement of the problems facing LAs took the Central Government back to the drawing board and resulted in a policy shift aimed at strengthening LAs. The shift resulted in the introduction of the Local Authorities Service Charge (LASC) enacted in 1989 and a Finance Study in 1992. The study identified major financial and non-financial problems hindering LAs from performing and identified reforms necessary for changing the situation and enabling LAs to be able to plan, finance, deliver and maintain basic services, without continuously relying on central government.¹⁷ The study was followed by a Commission on Local Government.¹⁸

The World Bank Study (1992) and the Omamo Commission justified the reforms, which have been going on within the Local Government Sector since

14 Republic of Kenya, Draft Bill 2001, op. cit.

15 See International Monetary Fund (IMF). 1976. Report of the Working Party on Government Expenditures, quoted in Ministry of Local Government, Report on the Rationalization and Staff Rightsizing for Effective Operation of the Ministry of Local Government. Nairobi, Ministry of Local Government under the Civil Service Reform Programme, 1999; Republic of Kenya. Sessional Paper No. 1 of 1986 on Economic Management for Renewed Growth, Nairobi, Government Printer, 1986; Republic of Kenya – Omamo Commission, Report of the Inquiry on Local Authorities in Kenya: A Strategy for Local Government Reform in Kenya. Nairobi, Ministry of Local Government, 1995.

16 Ministry of Local Government, op. cit., 1999.

17 World Bank, Local Government Finance Study, Washington DC, World Bank Sector Study, 1992.

18 Omamo Commission, op. cit., 1995.

1999. The reforms have included fiscal transfers from central government to LAs. The transfers include the Local Authority Transfer Fund (LATF) and its participatory component, the Local Authority Service Development Action Plans (LASDAPs). These two instruments have triggered a political competition that has not been experienced in LAs before. The LASDAPs require active participation of both the civic leaders and the residents of LAs and its production following a well-documented participatory approach as a pre-requisite for accessing LATF.

Political System in Nairobi City Council

Nairobi City Council is the largest LA with a population of over 4.5 million.¹⁹ Politically, Nairobi has had 55 wards (Appendix 1), since 1992. Prior to this, the number of wards had changed between 1974 and 1988 from 41 to 40 and from 50 to 55 between 1988 and 1992. Each of these wards is represented by an elected councillor. In total, Nairobi has 55 elected and 16 nominated councillors. In addition, the Constitution provides for nomination of additional 30 per cent of councillors. The Electoral Commission of Kenya (ECK) allocates the number to be nominated by parties based on the seats won by each party in each council. Nominations are made by political parties, then considered and approved by the ECK. Once approved the individuals are appointed by the Minister of Local Government.

Organisational Structure of NCC

The Council derives its mandate from the Local Government Act (Cap. 265) of the Laws of Kenya, and other related Acts of Parliament.²⁰ The Draft Strategic Plan for 2004 presents the Organisational Structure of NCC:

The overall decision-making organ of the city is the Council composed of elected and nominated councillors. The Town Clerk is the Chief Executive Officer and oversees the day-to-day management and administrative activities. The Council is sub-divided into 11 Departments,²¹ each of them responsible for particular core function area. The Departments are headed by Directors who are responsible for their day-to-day activities, and are answerable to the Town Clerk. Each Department is further sub-divided into sections headed by Assistant Directors.²²

The Council is mandated to provide and manage basic social and physical infrastructure services to the residents of Nairobi. However, the performance record of the Council has been very poor. This is attributed

19 Kamau, P.M.G., Decentralisation of Nairobi City, Nairobi, NCC, 2005.

20 The other legal instruments include: the Constitution of Kenya, other Acts of Parliament and Ministerial Orders and By-laws.

21 Town Clerk's; City Treasurer's; City Engineer's; City Planning; Public Health; City Inspectorate; City Education; Water and Sewerage; Environmental; Social Services and Housing and Housing Development Department. These Departments get a back up from 16 Council Committees.

22 NCC Draft Strategic Plan, 2004, p. 35

to ineffective governance by both councillors and chief officers. These two officers have complementary roles and should work in close collaboration. While the councillors are expected to know the challenges facing Nairobi residents in various wards, the chief officers are expected to provide technical knowledge in handling the challenges and ensuring that council decisions are implemented. This division of roles has remained theoretical as the two actors clash over decision-making and implementation of decisions.

It has been observed that the relationship between the councillors and chief officers is often poor. Although their responsibilities and duties are distinct, situations often arise where councillors interfere with the daily administration of the local authority or, chief officers interfere with the policy formulation process. This causes problems between the two arms of authority and disrupts the efficient functioning of an LA²³. Other studies have pointed out that councillors are more concerned with private accumulation of wealth rather than the management of urban services²⁴. Most have little knowledge of the purpose and practice of local government and are uncertain of their role as councillors²⁵. In most cases the councillors interfere with management of resources within the council, particularly during the allocation process.

The poor management in LAs has been attributed to the inability of LAs to manage available resources; their inability to follow laid down procedure in staff recruitment, discipline, and dismissal; and the shortage of qualified staff in key technical areas such as management, accounting, and engineering²⁶. In response to this situation there have been a number of programmes aimed at improving the management situation. In 1988, the Ministry of Local Government developed a set of training manuals for local authority staff. However, the training has not yielded results as demonstrated by the performance of councillors.

Governance of Nairobi City Council

Effective governance is a major challenge within the City of Nairobi. As early as 1983, the poor governance in Nairobi had raised concern resulting in the City Council being dissolved and put under a Commission. The Commission did not do any better and was characterised by several replacements of the Chairmen of the Commission and Town Clerks.

23 Ndinda, B. and Lamba, D., Country Case Study: Kenya, Paper presented to an International Seminar on African Urban Management, Harare, 11–15 December 1989.

24 Lee Smith, D. (1989), 'Urban Management in Nairobi: A Case Study of the Matatu Mode of Public Transport' in Stren, R.E and White, R.R. (eds.) *African Cities in Crisis: Managing Rapid Urban Growth*. Boulder: Westview Press, pp. 276–304.

25 Akivaga, S.K., et al, op. cit.

26 ROK, Report on the Rationalization and Staff Rightsizing for Effective Operation of the Ministry of Local Government. Nairobi: Republic of Kenya, Ministry of Local Government.

NAIROBI CITY COMMISSION 1983–1989*

Chairman of Commission	Period of Office
Mr. P. Mwangola	March 1983 – June 1984
Mr. J. Ramtu	June 1984 – April 1986
Mr. N. Mwendwa	April 1986 – February 1988
Dr. E. Mngola	February 1988 – October 1989
Mr. F. Gumo	October 1989 – December 1989

* During the same period the City had a total of five different Town Clerks
Source: Ndinda, B. and Lamba, D., *op cit.*

While the Commission was dissolved and the City reverted back to management by councillors, the problems of the council remain largely the same. Since 1989 when the Council stopped being run by a Commission, the City has had a total of 15 independent probe teams, commissions, and task forces charged with the responsibility of analyzing the problems and coming up with solutions.²⁷ While most of these teams have come up with recommendations, some of which have been acted upon, there has been no clear plan of action for implementing respective recommendations. In most cases new teams have been deployed to assess the same problems, instead of designing a concrete plan of action for addressing the recommendations made by previous teams.²⁸

The most recent team, the Extra-Ordinary Inspection of the City Council led by Erastus Rweria concluded that the council is technically insolvent, and after consideration of various management options for the council, recommended the dissolution of the Council and appointment of a Financial and Management Control Commission (FMCC) in accordance with section 252 of the Local Government Act Cap. 265.²⁹ This recommendation is not unique; an earlier team led by J.P. Mbugua had recommended the establishment of an Oversight Board as a precursor to the establishment of a full fledged Financial Management Control Board as proposed by the Rweria Report. The Board was established but ended up having serious legal problem with the councillors, who took the Board to court. They viewed the Board as a threat to their mandate and position within the council.

CHALLENGES OF GOVERNANCE IN THE CITY

There are a number of governance challenges facing the City of Nairobi. Most of these challenges revolve around how the city leaders headed by the

27 Republic of Kenya (Rweria Report), Final Report of the Extra-Ordinary Inspection of City Council of Nairobi, chaired by B.I.N. Rweria, Nairobi, Ministry of Local Government, 2004. ROK, Rweria Report, 2004.

28 Mitullah, W.V. Nairobi City Council : Background Information for World Bank Mission on a Proposed Nairobi Urban Project, Nairobi, World Bank, 2005.

29 Rweria Report, *op. cit.*

civic leaders deal with mobilisation, allocation and management of resources. Their relationship with the central government and other stakeholders in these processes is also crucial. Prior to 2002 when the LATF/LASDAP was launched the relationship between the city authorities and other stakeholders was very poor, with minimal consultation. The LATF/LASDAP process has begun improving citizen engagement in civic affairs. The section below examines the political system within the city in the context of resource mobilisation, allocation and management.

Mobilisation of Resources

Mobilisation of resources should be a joint effort of all stakeholders within the NCC. However, until the introduction of the LATF/LASDAP and Public, Private Partnership (PPP) this was not the case. Over the years, the urban authorities have viewed mobilisation of resources as their own docket, but have performed poorly. The NCC has acknowledged that its revenue generation, collection and administration procedures are in dire need of enhancement through efficient systems of capturing existing and new sources of revenue.³⁰ LAs have plenty of resources including human, which is hardly given any consideration. The Draft Strategic Plan of the City notes that community participation will be increased in Council activities, and community partnerships will be established.³¹ However, the City lacks a policy of engaging other stakeholders, and unless this is developed it may be difficult to effectively engage other stakeholders on a continuous basis.

The NCC, like many other LAs, has several sources of revenue, including local taxation, user charges, licensing/regulatory fees, loans, grants and donations, and transfers from Central Government. Local taxation mainly includes property taxation, with land-based revenue being the dominant source. This is a major source of revenue averaging between Ksh 950 million to 1.2 billion per year. The source is able to provide the Councils with about 60 per cent of required revenue but they hardly ever collect 40 per cent of the expected revenue. This is due to a number of factors, including inability to update and have a more inclusive valuation roll, shortage of reliable staff, institutionalized corruption, lack of proper supervision, conflict of interest and collusion between supervisors and revenue collection clerks who defraud the council of huge sums of money and political interference.³²

The valuation roll is the basis of rate revenue, but it only covers a small proportion of a rateable area. The roll should be revised every five years but by 2004, the council was still using the 1982 roll. Nevertheless, a revision was

30 Nairobi City Council, Institutional and Financial Recovery Strategy: Concept Note for International Development Association (IDA), Nairobi: NCC City Hall, 2005.

31 Nairobi City Council, Draft Strategic Plan, 2004–2009, Nairobi: NCC City Hall, 2004.

32 Rweria Report, op. cit.

carried out in 2001, after 20 years. The valuation was contested by ratepayers and its implementation was suspended, although the council collects revenue based on it. The city acknowledges that it is only able to capture about 100,000 rateable properties compared to over 300,000 rateable properties recorded by the Director of Survey and Commissioner of Lands.³³ This shows that a higher percentage of revenue is not captured by the city managers.

Apart from the valuation roll, the tax base for the council is narrow, and the enforcement mechanisms are generally weak. The procedures for collecting arrears and enforcement are lengthy and cumbersome. This situation has been exploited by individual ratepayers, in some cases led by councillors, government agencies and parastatals who owe the city authorities huge sums of money. Due to inefficient collection, at the beginning of the 2002/03 financial year, the council had an accumulated rate of Ksh 8.9 billion which increased to Ksh 11.4 billion during the same financial year. At the close of the financial year, June 30, 2003, a total of Ksh 2 billion had been paid leaving a total of Ksh 9.4 billion outstanding.³⁴

Rates are not the only problematic revenue—other revenue sources such as fees and charges face the same problems of poor collection and manipulation by responsible officers and councillors. Councillors who should ensure efficient resource mobilisation have on many occasions interfered with revenue mobilisation in the areas of rent, fees and charges. They have been noted to have dismantled the City Mortuary Waiver Committee, and taken charge of mortuary fees by writing a waiver request to the Medical Officer of Health (MOH). Such waivers are done without any supporting documents and serve as the councillors' contribution to funeral expenses.³⁵

The interference of councillors has also been seen in the area of rents charged for council-owned housing units. Most of the rent charged falls far below the market rates, and there have been several attempts to raise the rents, without much success. The councillors have largely been behind the campaign against rent increase. For example, in December 2001 the Minister for Local Government approved a revision of house rent effective January 1, 2002. This was resisted by those affected supported by the civic leaders, on grounds that the city was not providing the required services to warrant a rent increase. A similar move in 2004 was again resisted, led by the mayor who advised the tenants not to pay the revised rents. This forced the Minister to suspend the revision pending the painting of houses by the council.

The interference of rational management of council resources by councillors raises a number of questions on mobilisation of resources. The critical question to ask is 'Who is the NCC and are the councillors not part

33 Kamau, P.M.G., *op. cit.*

34 Rweria Report, *op. cit.*

35 *Ibidem.*

of the blame? Why should they collude with those interfering with revenue generation within the council?' A rational approach should result in the councillors determining how much rent should be paid and whether rent ought to be increased or not. These are policy issues that the councillors should be at the forefront in solving, and yet they are among those contesting decisions. This demonstrates the inefficiency of councillors in decision-making and management of resources. Councillors are known to be quite active in decisions where they stand to gain, such as plot allocation and payment of allowances.

The Rweria report notes incidences where councillors revised their per diems and imprest upwards without approval from the Minister of Local Government as required. The same councillors are unable to convince their constituents on the increase of rent. To some extent this is because a number of councillors occupy council houses. Some have more than one council house, which they rent out at exorbitant rates to other residents. These partisan interests compromise their integrity and result in councillors flouting the rules of which they should be custodian.

The lapse of councillors, chief officers and their abuse of facilities and resources have contributed to the NCC budgeting for deficits over the last four years. The deficit budgeting has led to liquidity problems and the council cannot honour its obligations to service loans, pay creditors, and staff salaries and wages. These are important aspects of institutional integrity and any governance framework, which fails to manage them, threatens its very survival.

The city authorities have acknowledged the disparities in revenue mobilisation which result in a reluctance to pay council dues, including failure to peg licenses, fees and charges commensurate with levels of economic activity; the council charges are on a fixed-fee or one-off unit rather than *ad valorem*. There has also been failure to revise rates, fees and charges to improve buoyancy.³⁶

The inefficient revenue mobilisation at council level has been intensified by inadequate central government transfers. Since 1969 when the Transfer of Functions Act was enacted and major services from LAs transferred to central government, the LAs have continued to experience cuts in fiscal transfers from central government, and continuous reduction of their revenue base. In 1974, the Graduated Personal Tax (GPT) was abolished and a grant to compensate LAs administered until 1978 when it was discontinued. A further cutback followed in 1984/85 when grants covering subsidies on primary education and health care services to large municipalities such as Nairobi were discontinued.

36 Nairobi City Council, op. cit., 2005.

ALLOCATION OF RESOURCES

Allocation of resources within LAs draws so much attention and politics and is often restricted to councillors, chief officers and power wielders within respective LAs and the central government. The councillors play a key role in resource allocation through the various committees and full council. The issues of debate in these committees are conceptually expected to come from the councillors through the office of the Town Clerk. This model assumes that the councillors are in regular touch with those they represent and issues affecting their respective wards. It further assumes that the councillors are working closely with the technical officers who are in charge of various departments of the council. These assumptions are not totally representative of the reality of the councillors in relation to their respective wards and the council.

Theoretically, there should be no resource allocated without going through the various committees and full council. However, in Nairobi like many other LAs in Kenya, the sub-committee discussions are never effective. At the same time, some councillors are not able to articulate issues in their respective wards, while in some cases, technical officers operate without consideration of the councillor's inputs. Within these variables, the power of allocation of resources is abused by both councillors and chief officers.

The budgetary process is a key tool for resource allocation in LAs. In a typical sense budgets originate from the various council departments before moving to relevant committees for discussion and further relay to the Finance Committee which firms the budget before submission to Full Council meeting. The Council Committees have a very powerful role, although they do not seem to be effective. All matters, except a few cases brought before Full Council must come from respective Council Committees. Issues such as levy rates, fees and charges, borrowing money, and making by-laws cannot be delegated and have to be resolved in a Full Council meeting. In isolated cases the council can delegate full business of a particular service, for example roads, without reference to a full council committee.

The NCC has experienced serious problems in the budgetary process. As indicated in the section dealing with resource mobilisation, the council budget has been on a deficit for several years and it is not clear how the civic leaders have handled the issue. Instead, task forces have been assigned to investigate the council and make recommendations. The LAs are not expected to budget for deficit. They are expected to show liquidity and some LAs show liquidity even in cases where they are actually indebted. It is rare for residents to hear debate on the budget process of LAs, as is the case of the National Budget, whose debate in Parliament is always public. This is despite the fact that Full Council meetings are open to the public. Many NCC residents, including the

elite, do not know this. While it is acknowledged that local governance is important for local development, the public (including the media) do not give the LA budget process any prominence. What comes out in public is the civic leaders' disagreement over allocation of resources that directly affect them such as plots, housing units and competition over various leadership positions within the council.

The LASDAPs are developed through a participatory planning process that identifies and prioritises local expenditures that can be included in the annual budget process.³⁷ Its dynamic is based on wards, and each ward is expected to come up with priority issues to be addressed using LATF. While this process should be managed by councillors, it has been largely managed by officers from the Treasurer's Department supported by the councillors and the Department of Social Services and Housing. This has contributed to some councillors not being in touch with the priorities being set in their respective wards. This is problematic, since the councillors have to debate on the issues at committee level and make policy decisions at Full Council level once the output of the LASDAP process is ready. The partial sidelining of councillors is partly due to the strict conditions of the LATF/LASDAP. It is time bound, and failure to submit the LASDAP on time results in being penalized, and losing part of the fund.

At council level, both the LASDAP priorities and related budget has often raised heated political debate, with each councillor pressing to get their share of the cake for their wards. This is often done without consideration of the overall requirement of the council and the need to respond to the needs of respective wards, and the council as a whole. Studies, for example, Odhiambo (2005) have shown that in some cases priorities of wards have been changed without any consultation, whereas other wards, which are more deserving, have ended up with no allocation.³⁸ This outcome can be attributed to ineffective councillors and manipulation of both chief officers and civic leaders, and the scarcity of resources.

As indicated in the sub-section dealing with resource mobilisation, the councillors have largely failed to mobilise resources available within the council. Concentration on efficient mobilisation of resources and management can tremendously improve the liquidity and credibility status of the NCC. The councillors have not concentrated on this aspect, and the limited resources that are mobilised are not well-managed as discussed below.

37 World Bank, *op. cit.*, 2002.

38 Odhiambo et al., *op. cit.*

MANAGEMENT OF RESOURCES

Management of council resources is a responsibility of chief officers supported by junior staff members, although in most LAs, there is always an attempt by civic leaders to micromanage the councils. The attempt by civic leaders in Nairobi to micromanage the council resulted in the Minister for Local Government in 2004 declaring that no councillors, including the mayor should be seen at the Town Hall on a daily basis. The declaration restricted the mayors to appear in Town Hall only three times a week, while councillors could only come to the council when they have business to transact. This drastic proposal was in response to the meddling of councillors in the daily management of council affairs.

The role of councillors although specified in the Local Government Act Cap. 265 remains unclear. While the Act specifies their participation in Council Committees and Full Council meetings, over the years the councillors' roles has not been limited to participation in committees. A Concept Note from NCC to International Development Association (IDA) acknowledges the political and management rifts within the NCC. It points out that good governance in LAs demands separation of responsibilities in the process of policy-making and policy implementation, although both processes have to be complementary and mutually reinforcing. The separation of responsibilities is not well defined, and this has resulted in suspicion and promoted unhealthy competition between political and management arms of the council.³⁹

It was the overlapping roles and competition between councillors and chief officers that resulted in the Minister for Local Government restricting the presence of civic leaders in management of council affairs. The restriction came when the NCC had begun rolling out a decentralisation programme to the wards. The decentralisation programme was initiated in January 2003, and was intended to deploy about 5500 personnel to the wards, with each ward being allocated 100 members of staff. This on-going process aims at ensuring that each department is fully represented in every ward.⁴⁰ The ultimate goal is to have both senior and junior officers at ward and divisional levels.

By February 2004, the decentralisation programme was in different stages with 13 ward offices fully completed, 41 partially completed, three constructions had commenced, two renovations had commenced, while in four wards, construction had not started.⁴¹ Through the decentralisation policy, councillors are expected to concentrate on their wards, and only go to City Hall when it is necessary. To date the decentralisation programme is still to be fully implemented. It is facing challenges of inadequate facilities, equipment

39 Nairobi City Council, *op. cit.*, 2005.

40 Nairobi City Council, *Report on Decentralisation Programme*, Nairobi, Town Clerk's Department, 2004.

41 *Ibid.*

and personnel. This policy has not gone down well with the councillors, and it will take a while to institutionalise the practice. Besides, the programme has not dealt with the issue of overlapping roles and responsibilities. Wards are expected to have officers handling various service provision documents, and essentially the roles and responsibilities remain the same. This implies that the conflict between civic leaders and the administrators may be merely transferred to the wards. Furthermore, the decentralisation policy is still to be translated into policy and relevant legal provisions for the city.

The political system for the council begins with the wards, which are represented by elected councillors. The councillors are meant to be in charge of the decision-making process right from the ward, to sub-committees and to the full council. They should facilitate the identification of needs at the ward level, and then present the needs to the council through the Town Clerk who is charged with channelling of the need/issue to the relevant council technical committee. The technical council committees are the centres for discussion, debate and decision-making; while the Full Council Committee does more of ratification of what technical committees have discussed, except for issues relating to powers to levy rates, fees and charges, borrow money and making by-laws which have to be deliberated in Full Council.

While the political system at the council level has a mirage of active participation of councillors, at a practical level this is not the case. A number of councillors are not efficient, and hardly take the issues of their wards to the Town Clerk as expected. At the same time many councillors hardly ever consult their constituencies and what they present to the councils may not necessarily be the priority of their people. Further, it has been argued that there is no framework for councillors to get input and provide feedback to their constituents and there is need to have a local framework for consultation. This problem may be resolved if the decentralisation programme is wholly implemented.

It is not only the need for effective participation in decision-making that triggered the decentralisation programme, but also the need to identify and effectively manage resources at the local level. So far, the city has entered into a partnership with Geomap to have Geographic Information Services at the council to capture rateable properties across the city. This service will assist the city in establishing the revenue potential in the 55 wards, and will contribute to realistic and accurate budgeting.⁴² Such efforts cannot be complete without effective participation of the city residents, led by respective elected representatives. Currently there is an attempt to involve both the public and the private sector, including civil society organisations in the mobilisation and management of the city. A number of stakeholders, including private firms and resident associations are active within the city, and the NCC authorities

42 Kamau, P.M.G., *op. cit.*

have to demonstrate their commitment to work with such actors. This is relevant for the planned restoration of Nairobi's glory.⁴³

Since the establishment of the Local Authority Transfer Fund and its implementation arm, the LASDAPs, there has been a deliberate attempt to directly involve the residents of Nairobi in the management of the city. LATF was established to enable LAs to improve delivery of local services to citizens among others. To complement the fund, the Local Government Reform Programme came up with the LASDAP, a participatory planning process that identifies and prioritises local expenditures that can be included in annual budgets in the financial year 2001/2002.⁴⁴

Through the LASDAPs, the LAs such as that of Nairobi are supposed to involve local communities in prioritizing projects to be undertaken using LATF. Lack of participation of communities has been viewed as a major factor contributing to poor service delivery. However, past programmes aimed at improving service delivery did not set up a framework for participation. The engagement of citizens in developing the LASDAPs allows participatory planning, identification and implementation of programmes by focusing on the priority needs of the local communities.

The process of engagement through LASDAP has had its challenges. At the onset, the process was largely managed by technical officers drawn from the Treasurer's Department assisted by the Department of Social Services and Housing without active involvement of the councillors. This was viewed by the councillors as a threat to their power base at the local level. At the council level, distribution of LATF funds through LASDAP is often contentious in most councils. Councillors view the fund in the context of their wards and not the council as a whole. This results in competition, with each councillor expecting an equal share of the funds allocated for community projects. In some cases, the struggle is between the chief officers and councillors over how much to allocate to council projects *vis-à-vis* community projects. This is despite the direction by central government on how the resources should be allocated.

Management of Nairobi City Council has been problematic, and a total of 16 commissions, task forces, committees, and reports have been produced since 1983 when the city was placed under a commission. These bodies have made a number of recommendations, which are rarely implemented. The most recent report of the Extra-Ordinary Inspection of City Council of Nairobi⁴⁵ notes that the political and administrative structure of the city has not in any way assisted the council in fulfilling its mandate. It goes further to note that "*Councillors have interfered with the running of the council to the extent that they have assumed the role of chief officers as managers and abandoned their policy-*

43 Nairobi City Council, op. cit., 2005.

44 World Bank, 2002, op. cit.

45 Rweria Report op. cit., 2004.

making role." The Nairobi Interim Oversight Board (NIOB) which was briefly charged with restoring the Financial and Management health of the NCC recommended that "*In view of functional conflicts between councillors as policy makers and chief officers as professional staff, the role of councillors and chief officers should be clearly delineated through legislation*".⁴⁶ This implies that the Local Government Act provision is not quite clear on the roles and responsibilities of these two groups in governing the council.

The interference with the running of the council by the councillors has not been for the benefit of the city, but the personal interests of the councillors and their supporters. Councillors in Nairobi are known to interfere with procurement processes, intimidate chief officers and occasionally physically confront each other in public. This has tarnished their image, with most residents contending that they are an unnecessary burden to the council and residents. While this position may be right, the critical question to pose is why residents continue to elect leaders who cannot commit themselves to leadership. It seems that many residents of LAs do not take a keen interest in local governance. A study conducted in Nairobi and Kisumu shows that many residents of these major cities do not care much about their local leaders, as compared to those that represent them in Parliament.

The poor performance of political systems of the city of Nairobi has resulted in several suggestions aimed at improving the situation. Some scholars have argued that the education level of councillors is low and a higher level of education should be made a precondition for contesting LA elections. Other analysts have argued that there is need to have a mayor who is elected by residents of the city as opposed to election by councillors. The Draft Preliminary Bill on Local Government Act Chapter 265 has proposed that the mayor of the city should possess a degree and have at least ten years experience in management of private or public organisation, and be a person of integrity. While these suggestions are useful, the lack of commitment and integrity seem to be the major bottleneck facing the council. The team managing the council has to begin viewing itself as servants of the residents. The major task of the council is to satisfy the residents by providing and managing services efficiently. This has not been the perception of NCC authorities. Most of them think they are doing a favour to the residents by providing and managing services.

CONCLUSION

The political system of the NCC which is similar to that of all other LAs has not facilitated efficient governance of the city. Apart from their inadequate capacity, the councillors have no commitment to council affairs. Financial management which is the pillar for any organisation is in disarray, and the

46 Nairobi Interim Oversight Board, Progress Report for the Period November 2000–December 2001, Nairobi, World Bank, 2002.

officers directly charged with the governance of the city can hardly justify their existence. The Ministry of Local Government has been working closely with the city in the hope of improving the situation. However, the Ministry of Local Government has its own share of blame in the poor governance of the city. It is recorded that over 16 commissions and task forces have been commissioned, but Central Government has not played its supervisory role of ensuring that action based on recommendations is taken. In fact, until the era of Local Government reforms that began in 2000, Central Government was not viewed as an impartial referee but as a contributor to the problems facing the city.

Prior to the reform programmes, the councillors were able to manipulate council and central government officials in order to have their way. This was done by abusing resources such as plots, rental houses and revenue generated. The whole process has been facilitated by a deeply rooted cartel that is difficult to crack. It had its tentacles in the city council, at the Ministry of Local Government, in other key government Ministries, Departments and influential individuals located within the private and civil society sectors.

APPENDIX 1: CONSTITUENCIES AND WARDS IN NAIROBI CITY COUNCIL (NCC)

CONSTITUENCY	WARD	MALE	FEMALE
Makadara	Nairobi South	11,175	5,891
	Viwandani	16,249	4,307
	Makongeni	8,632	3,951
	Mbotela	5,339	3,020
	Hamza/Lumumba	10,441	6,769
	Ofafa	7,567	4,721
	Harambee	9,708	7,887
Kamukunji	Muthurwa/Shaurimoyo	12,305	4,418
	Punwani	12,288	5,226
	Eastleigh North	12,618	5,933
	Eastleigh South	8,278	4,710
	Kimathi	3,880	2,274
	Uhuru	5,667	4,333

CONSTITUENCY	WARD	MALE	FEMALE
Starehe	Ngara	13,377	6,117
	Kariokor	14,661	6,572
	Central	21,351	8,833
	Mathare	15,548	7,392
	Huruma	11,432	6,546
Langata	Karen/Langata	9,137	4,148
	Mugumo-ini	7,122	4,676
	Nairobi West	13,863	7,564
	Kibera	12,225	6,429
	Sarangombe	18,396	6,468
	Lainisabaa	16,360	5,149
Dagoretti	Uthiru/Ruthimitu	3,989	3,146
	Waithaka	3,336	2,884
	Mutuini	3,295	2,597
	Ritura	11,366	6,597
	Kawangware	12,422	7,195
	Kenyatta/Golf Course	15,051	8,630
Westlands	Kangemi	14,026	8,303
	Kilimani	19,498	9,877
	Kitisuru	11,115	5,329
	Parklands	11,817	5,557
	Highridge	17,336	8,093
	Kileleshwa	10,546	5,375
Kasarani	Kariobangi North	9,645	4,101
	Korogocho	11,177	5,459
	Utalii/Babadogo	14,728	6,409
	Kasarani	7,264	3,975
	Roysambu	5,923	3,306
	Kahawa	6,816	4,792
	Mathare 4 "A"	10,808	4,138
	Githurai	10,042	6,081

CONSTITUENCY	WARD	MALE	FEMALE
Embakasi	Embakasi/Mihang'o	8,526	3,856
	Umoja	10,505	7,602
	Kariobangi South	4,765	3,157
	Dandora "A"	10,242	6,243
	Koma Rock	5,487	3,387
	Ruai	3,171	2,189
	Njiru/Mwiki	4,343	2,221
	Dandora "B"	12,368	8,163
	Mukuru	15,855	5,160
	Savanna	5,347	3,132
	Kayole	16,667	8,972

Source : Election Commission of Kenya 2002 National Election Data Base, 2003.

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‘A city under siege’

Formalised banditry and deconstruction of modes of accumulation in Nairobi, 1991–2004

Musambayi Katumanga

A combination of internal and external pressures exerted on the Kenyan regime by various actors had a profound impact on modes of socio-economic engagements and accumulations in Nairobi. This was with a view to compelling the regime to institute political and economic liberalisation. At one level, they engendered a diminished State-provisioning capacity and its willingness to protect public interests. At another, conditionalities spawned anomic tendencies among social groups, individuals and the regime. This study examines factors under-girding the foregoing. It examines the various modes of mobilisations and engagements undertaken by various groups in defence of their economies against each other at one level, and against the State and the local city council at another. The paper also analyses the political economy underlying the resultant urban banditry and mutations in the modes of these engagements. It seeks to demonstrate how a besieged regime facilitates the criminalisation of urban existence in a bid to ensure its survival.

The argument here is that beleaguered regimes survive through a twin strategy which revolves around the privatisation of public violence and appropriation of private violence. The net effect is a perversion of social order. Regime longevity in this sense is a function not only of the absence of an alternative leadership and organising ideology but also of the perceived benefits accruing from informal economies and costs of change. Non-ruling élite initiated liberalisation and privatisation processes do not midwife a democracy-friendly state. On the contrary, they provide a captured State with space within which it initiates actions inimical to democratisation, security and social harmony. The ruling élite respond to possibilities of losing power by subverting social order using patrimonial structures to selectively allocate public spaces to their ‘toad’ cronies. This in turn spawns urban banditry. Urban banditry here denotes the deployment of instruments of coercion on other city dwellers in a bid to facilitate acquisition of economic and political values.

OF STATE WITHERING AND THE LOGIC OF URBAN BANDITRY

The nature, role and survival of the state as an entity remain at the core

of social discourse. Realists, system theorists, political economists as well as Marxists have at various times predicted its demise. While liberal reformers expected industrialisation-driven necessities to diminish the State's national and international roles, Marxists foretold not only the disutility of its violence once exploitation was ended, but also its disappearance.

As an entity, a state is entrusted with certain responsibilities such as security, the management of economic reproduction, the balancing of input and output roles and the conferring of identity on its citizens. Conversely, it is the increasing inability to deliver on these functions that diminishes the essence of 'Stateness'.¹ Indeed the contemporary predictions of the state's demise are anchored in what is perceived as its increasing irrelevance given its diminishing capacity to rule and control the society. States are rooted in a trinity of variables: the idea of state, their institutional framework and physical base. Notwithstanding its abstractness, the idea of State is core to its legitimacy. Underlying its legitimacy are questions such as; what does the State intend or exist to do; what constitutes its political identity. For States grappling with deep-seated identity crisis, the transformation of variegated nationalities into a state-nation is incumbent upon the evolution of a dominant ideology around which politics can be organised. Facilitating and reinforcing the idea of state is the ability of an institution-friendly leadership to evolve relevant programmes critical for socio-economic reproduction.

Institutions are core to this process. They include the executive, administrative and participative infrastructures. A weak idea of state engenders the recourse to coercion and patronage by the ruling élite in a bid to maintain order in the process that results in state withering. As a process of long duration that diminishes the state's institutional capacity to provide the society with core values (such as security), withering is characterised by paralysis in decision-making realms and social polarisation.

If unchecked, the withering process engenders state collapse.² State withering is not a monopoly of predatory leadership. It can also emerge consequent to a regime blessed 'populist nimpling process.' This refers to situations where variegated social forces intersect their predation activities on common public goods sites. While state capacity diminishes in a wide range of formal activities, its affinity for illegalities and repressive violence increases. Essentially, State disengagement from certain social functions while weakening its formal roles also increases its power. Underlying this is the instrumentalisation of violence and patronage in the manipulation of social forces to the advantage of political wielders. As Navari notes:

1 Navari, C., 'On the withering away of the state', in Navari, C. (ed.), *The Condition of States: A study in International Political Theory*, Buckingham: Open University Press 1991, p. 143–163.

2 Zartman, W., *Collapsed States: The Disintegration and Restoration of Legitimate Authority*, London, Lynne Rienner Publishers, 1995.

When the state is the only source of restraint, the salience of the state becomes, accordingly enhanced. This is the main reason why the break with all traditional constraint, so often as disruptive to state power, actually enhances it... it can choose which restraints to impose (and where a state can choose it, like any other chooser, is free to suit its own preferences). Where there are opinions of equal validity, the state will be called upon to select among them (and...where a state can choose...). Finally, the demand for new rules in a situation of social change increases both a state's substantive legislative rights and its political salience (the dissolution of a natural law order, its substitution by human and positive law giving and the development of subjective and transitory rights—rights which maintain validity partly because they are seen as changeable).³

In essence, it is the ruling élite's ability to act, manoeuvre and manipulate social formations against each other that enhances its choice of deciding who to back or to reject. This fact is best understood when a conceptual distinction between the state and regime is attempted. A state is an instrument that serves the interests of certain social categories. Those who control it tend to make choices that highlight their interests and preferences. While there is no denying that it is an organised aggregate of relatively permanent institutions of governance,⁴ its behaviour, and more so, that of the actors occupying its institutions differentiates it from a regime. The latter refers to rules, principles, norms and modes of interaction between social groups and state organs. Reflections on the regime bring into focus not only political relations between power wielders and social groups but also how these are (re)composed.

Underlying state withering is regime behaviour. It emerges consequent to a prolonged leadership crisis, diminished institutional capacity and a joint assault on a reform resistant for economic liberalisation and privatisation by both internally marginalised élite and international capitalist forces. These demands fall within the wider Bretton Woods neo-liberal agenda, which seek to promote a capitalist mode of development and state integration into the global capitalist system. Although ideologically rationalised as a means to misfortune reducing good governance, it seeks to widen the internal economic space for international capital investment and markets' penetration through the shifting of the balance of forces to the extent of diminishing the bargaining power of post-colonial economic nationalism. The state, they contend, needs to abandon protectionism and instead privatise public goods such as parastatals (*read* 'sell them to external entrepreneurs'), remove tariff barriers while opening up trade. The state is also called upon to remove 'market distortions' such as subsidies (to health and education sectors), price

3 Navari, C., op. cit., p. 151.

4 See Duval, R. and Freeman, J.R., 'State and Dependent Capitalism', *International Studies Quarterly*, (1981) 25 (1):106.

controls and restrictions to movement of commodities. Once its bureaucratic baggage has been reduced, the now basically withered 'watchman' role is restricted to securing of property rights, provision of effective legal, judicial and regulatory systems, improvement of Civil Service efficiency and protection of the environment.

To attain this objective, Structural Adjustment Programmes (SAPs) have, since the late 1980s, been advocated for. These were (are) seen to be economically rational and *sine qua non* for the rolling back of prebendal politics while implanting democratisation. Accordingly, there is need for the installation of a new policy order that separates the public from the market spheres.⁵ What is interesting is the assumption that such a shrunk state can then midwife a productive African middle class, capable of playing by the rules of 'anonymous' market forces. Worse still is the banking on goodwill of the ruling élite by the Bretton Woods institutions to disentangle themselves from realms of power that under girds their accumulations.

Yet it the control of sources of accumulations that allows it to shape social forces and relations of production, class formation and struggles *vice versa* to the extent of informing regime behaviour. Existing dependency structures are equally transformed into a window of opportunity for resource extraction from external predators salivating for state institutions on market. The fact that international capitalist forces are not homogeneous enables the regime to play one external faction against the other while creating an internal space within which readjustments for regime consolidation and survival are undertaken. The nascent nature of domestic private sector ensures that instead of it distancing itself from the regime, it seeks to insure its reproduction by appending itself to the regime. In the process, it ends up giving the latter the opportunity to manipulate it.

If rivalry within the international capitalist system tends to engender anarchy at the international level, at the domestic level, it spawns violence. For instance, faced with external and internal pressures militating against its interests, the regime opts to maximise on material interests of various social groups by playing one against the other. Exploitation of vulnerabilities and self-interest at individual and group levels and the convergence of these material factors with the ruling élite interests spawn multiple identities and particularistic tendencies. The pursuit of these tendencies constitutes the foundation upon which tyranny sustaining voluntary servitude is constructed and sustained.⁶

As Etienne de La Boétie notes, every structure of tyranny depends primarily on voluntary submission of hundreds or thousands of men and women. It is a function of a few men opting to serve a tyrant in a bid to realise their

5 Mkandawire, T., Olukoshi, A. (eds.), *Between liberalisation and repression: the politics of structural adjustment in Africa*, Dakar: CODESRIA Books, 1995, p. 5.

6 La Boetie, E. (de), *Discours de la Servitude* (1548) Réed. Paris, Payot, 1969.

immediate gains. This in turn evolves a structure of patronage from which perks filter to their quislings who in turn expect gains for 'little' services rendered. The second level of obedience is enabled to flourish only because the third and fourth exist in hierarchy. In the end, men are made to believe they are compelled to obey. It is not troops on horseback, it is not companies afoot, it is not arms that defend the tyrant. Force would not be available in the first place unless many were willing to obey and to voluntarily wield military power. Rather, the power of tyrants depends on voluntary servitude sustained by the multiple ladders of tyranny. Conversely, tyranny and corruption can also come to an end consequent to the very withdrawal of consent.⁷

Voluntary servitude enables various ethnically factionalised lumpen interests to coincide at market realms while also allowing the regime to play one social force against the other to the extent of enhancing the state's grammar of power. This refers to opportunities and limitations not of the state's making. The state's power may grow out of situations such as revolution, atomisation and subjectivism. While revolution is perceived as a rupture with the past, atomisation refers to the rupture of ties between men. Subjectivism on the other hand is a consequence of a break with the natural law. This rupture with the past brings with it the apparent disappearance of social constraints, the breakdown of traditions and opinions of equal validity (or subjectivism) making the state the arbitrator among subjective preferences,⁸ despite the fact that it is at the core of this social deviance.

Mobilisation and contestation over economic space rooted in voluntary servitude have a net effect of engendering instrumentalised violence that tends to narrow the associational space. Equally emergent are other forms of violence, structured around the bandit economies that emerge from illegal privatisation of public goods and the distribution of these to those deemed to be regime friendly. The regimes seek to use violence and selective access and allocation of common public goods to not only drive a wedge between urban lumpens and the excluded élite, but also to maximise on the former to narrow the associational space. This process entails the rolling back of the logic of stateness, especially its need to dominate means of violence in the society. Instead, various lumpen formations are allowed to arm themselves prior to appropriation and development of this private violence to contain other social formations opposed to power wielders at one level, and extraction of resources from the society. The latter absolves the state, whose formal resource base has shrunk from the need to grapple with and to evolve legitimate means of distributing values to the society.

The resultant ruling élite–lumpen alliance has the net effect of fending off both external and internal threats to the ruling élite's fields of accumulation

7 Ibid.

8 See Jouvenel, B. (de), *Power, the natural history of its growth*, London, Hutchison, 1947.

and power respectively while enhancing state capacity to negotiate with social groups at one level and inability to dominate instruments of violence in the society at another. The foregoing behaviour can be best conceptualised as triple deviance—that the deviance of the state (manifested through its degeneration into an encouragement of illegalities), group deviance (illegalities committed by groups) and individual deviance (orientations to illegality by an individual) is rooted in this mode of behaviour. This collective social maladjustment in turn sustains both state banditry and predatory violence, in the process, constraining change in the midst of expectations.

The foregoing forms the basis of our argument that externally driven pressures for economic liberalisation engenders the construction of voluntary servitude that entrenches regime longevity. Our analysis of socio-economic and political processes that engendered the de(re)composition of socio-economic and political spaces in Nairobi takes the foregoing perspective.

REGIME SURVIVAL AND THE DRIFT INTO COLLECTIVE SOCIAL DEVIANCE

The decade of 1990 created near-revolutionary conditions that spawned atomisation and subjectivism in Kenya. Bretton Woods-imposed SAPs engendered hikes in food prices, decline in real wages and redundancies in formal markets. Reduced public expenditure in education spawned high dropout rates (3 million by 2001). Most of these youth constituted the great trek from the rural into the urban frontier. In the initial stages, they joined the opposition élite which sought to maximise on the opening associational space and external support to acquire political power. Together, they evolved the culture of revolt that emerged in the early 1990s.

Animating revolts were legal and illegal SAPs created sites for accumulation. Instead of generating good governance and an expanded associational space, they laid the foundations of insecurities that would plague the state beyond the decade. Underlying this is the fact that it was not the nascent private sector but rather the regime that had the last word on who accessed these SAPs sites of accumulation. This enhanced its power before all variegated groups in the society. Faced by the evolving hostile external and internal environment, the regime responded to the above situation by minimising adverse effects of conditionalities as it maximised on favourable ones.

The regime instrumentalised both its political and economic processes. Under the former, it deployed both legal and illegal tactics. For instance, it undertook minimum and constrictive constitutional amendments. In July 1992, a Bill which compelled prospective winning candidates to the presidency to garner at least 25% of the votes cast in five of the eight electoral provinces in addition to winning the overall popular vote was legislated.⁹ At the informal level, it resorted to the appropriation of private violence (violence organised

9 See Katumanga, M., 'The political economy of constitutional amendments in Kenya, 1895–1997', SAREAT-IPAR Collaborative Paper 005/98, IPAR-SAREAT 1998, p. 31.

by illegal social formations) and the privatisation of public violence (which sometimes involved privatising security agents before deploying them to serve illegal self-seeking interests). Politically instigated ethnic violence that engulfed sections of the state in 1992 and 1997 should be seen in this perspective. The net effect was not only the narrowing of the associational space but also the containing of social formations opposed to the regime in the process.

These groups were in turn rewarded with space within which they preyed on the society. The marionettes that carried out these processes were rewarded each according to their class status. The bourgeois were facilitated to evolve bandit companies through which funds were ferreted from the Central Bank. Core in this was the Goldenberg, which was used to siphon more than Ksh 60 billion out of the Central Bank. Ksh 4.5 billion of this amount was used to buy political support for the then ruling party KANU.¹⁰

Rewards to lumpens ranged from cash payments to manipulation of access to spaces of socio-economic reproduction. The last tactic was rooted in the overall long-term regime consolidation strategy. This sought to de-link urban lumpens from their 1992 alliances with the opposition élite, through distribution of patronage to new economic entrepreneurs. Facilitating the de-linkage process was the existential illegality of urban lumpens in the form of informal habitation and economic engagements. The regime sought to manipulate their precarious existence to motivate them into compliance. This, it did by allocating either their economic reproduction sites or their informal habitations to politically-correct individuals. This would result into violent eviction by new owners using formal and private instruments of violence. De-rooted, these individuals would become candidates for recruitment into informal armies.

The new owners would subsequently re-sell the same to parastatals such as the National Social Security Fund (NSSF) or National Hospital Insurance Fund for a song. NSSF is said to have spent a total of Ksh 30 billion over five years through acquisition of such plots. In a bid to dull opposition to the state, allocations were granted to religious organisations, politicians, civil servants and foreign embassies.¹¹ The Kenya Airports Authority, for instance, lost as much as 972.36 hectares of land to private developers who later constructed illegal structures on flight paths, thus posing a danger to aviation.¹² The fact that the ruling élite used the state to undertake this process, deciding who

10 See the proceedings of the Goldenberg Inquiry Commission, 2004, chaired by Justice Bosire.

11 This included the Catholic, the Anglican, African Inland church, Presbyterian, East Africa Seventh Day Adventists, Full Gospel, Pentecostal Independent Church of Africa, Pentecostal Assemblies, Holy Trinity, See Daily Nation, 'Churches and MPs named in land deals', 08/10/2004, p. 1, p. 4.

12 Alotees included Manchester Outfitters Limited, Mechanized Cargo Systems, Kenya Airways, Mumbu Holdings Ltd, Dehasa Investments, NAS Airport Services, Signon Cargo Center, African Airlines, Kejpa Motors, Homegrown Kenya Limited, Skybird Executive Safaris, Pinnacle Development Limited, Oserian Development Co. Ltd, Ramco Investments, Uchumi Supermarkets, Makindu Growers and Packers Ltd, Markfirst Kenya Ltd. See East African Standard, 'How state firms lost billions in bogus bills', 12/11/2004, p. 1.

remained or who was forced to leave, enhanced its powers. It became the only source of restraint.

Patronage also saw crafty entrepreneurs sell off parastatal land to unsuspecting members of the higher middle classes, in most cases after having been allocated the land by the head of state. One classic example is the allocation of land belonging to the NSSF in Embakasi, along Outer Ring Road (LR21189, 21190 and Block 97 respectively). Instead of paying Ksh 900 000, (its actual value) they paid a mere Ksh 200 000 before subsequently constructing bungalows worth Ksh 3 million.¹³

Others sites of accumulation included provision of licenses for illegal importation of contraband goods from southeast Asia and drug trafficking.¹⁴ The diminishing capacity of institutions of law and order had the net effect of spawning other urban forms of predations such as motor vehicle theft and highway carjackings. These animated the deviant culture that characterised the *matatu* industry. The Kenyan phenomenon is interesting because unlike the deviant sub-culture thesis that attributes poverty and deviance to individual failures,¹⁵ the 1990s deviance was state encouraged for politico-economic ends.

What seemed constant was the drift into bad governance characterised by lack of accountability, trust and authority. The ruling élite had recaptured power with less than 30% of the votes cast in 1992. It did not believe it was accountable to anybody. This factor diminished its sense of legitimacy. Instead of enhancing state involvement in society—which is critical to the evolution of social order, conflict management and resolution among social formations—the state was at the centre of these conflicts. This crisis was compounded Nairobi.

Decades after independence, Nairobi remains a differentiated city. Unlike the citizen–subject racial dichotomy in the colonial period, in the 1990s the same was not only class-based but also structured around ethnic identities especially among the urban poor who seemed to have merely relocated their villages into the city. Without any pretence to planned amenities, corruption and outright incompetence, the city continued to be flooded by new entrants from within the rural areas and from beyond the borders, mainly refugees from collapsed states in the region, who sought survival any which way they deemed fit.¹⁶ By 2003, more slums, such as Soweto, Mukuru kwa Njenga and Maili Kayaba had emerged. Together, they housed two-thirds of the Nairobi's

13 NSSF is demanding the actual cost before issuing titles to 300 of such owners. It has threatened them with demolition of the properties. East African Standard, 2/11/2004, p. 1.

14 The largest haul of cocaine worth more than Ksh 6 billion was netted in Kenya in December 2004.

15 See Lewis, O., *The Children of Sanchez: Autobiography of a Mexican Family*, New York, Harmondsworth, 1965, p. 343–354.

16 Some estates like Eastleigh and Komarock were literally taken over by Somalian, Rwandan and Ethiopian refugees.

3 million-strong population. The working class and lower middle class settled in Dandora, Githurai, Zimmerman, Umoja II, Kayole, Mathare North and Ngong.

OF SELF-HELP AND DIFFERENTIATED BANDIT ECONOMIES AND VIOLENCE

City residents responded to poor governance, the lack of services and regime-led predation on public utility spaces in various ways. These ranged from total exit to some direct forms of engagement. Middle-class groups, for instance, organised themselves into self-help networks that sought and extracted additional 'taxes' from their members in a bid to pay services such as security, garbage collection, street lights and road repairs that the state was not providing. Residents in the mainly settler suburbs such as Karen-Langata formed the Karen-Ngata Association¹⁷ in a bid to shield themselves (through legal means) from what they perceived as taxation without services and representation.

Only the urban lumpens living in Nairobi's slums opted for limited direct resistance against forced dislocation of their abodes. Poorly organised, ambushed in the night and overwhelmed by the naked violence of the State, their resistance tended to fizzle out as soon as it had begun. It would be noted that violence against them was so great as to lead to tens of deaths as was the case during the *Muoroto*¹⁸ demolitions in early 1990s. These differentiated petty bourgeoisie responses were informed by perceptions on costs and benefits likely to accrue from any action undertaken, capacity to sustain the said action, the existing financial capacities and perceptions about utility and efficacy of certain methods of struggle within the prevailing political context.

For most urban lumpens, direct resistance was a function of the fact that they had no fallback position. In the end, this differentiation fragmented various social forces while reinforcing the regime. They failed to evolve into participation and good governance enhancing frontiers. An agenda for far-reaching reforms would have necessitated organisational initiatives led by a radicalised leadership, messages and methods of engagement against the state, while seeking to gain control of the mainstream structures of governance. Any other attempts based on either exit or co-opting merely worked into the regime's logic that sought to let them occupy themselves with self-help in sectors the state had no capacity to provide.

A combination of attempts at defiance, economic liberalisation, regime deviance and the ever-expanding urban population converged to mutate urban engagements and modes of socio-economic reproduction. The net effect was

17 Home of most of Kenya's remaining Caucasian settlers.

18 An informal settlement next to the City Centre.

the decomposition and re-composition of social spaces where new forms of regime engagement of social forces emerged. To clarify the foregoing, we examine three cases relating to struggles over accumulation spaces and two relating to modes of bandit accumulations. The said cases underlie our assertion that a ruling élite forced to liberalise to its detriment will tend to instrumentalise its survival at the expense of the state as a viable entity.

Conflict, cooperation and the de(re)composition of pavement spaces for economic production

The defiance that characterised the 1990s had a net effect of eroding the probity and capacity of the City Commission to affect its by-laws. Hordes of hawkers took advantage of this to conquer and occupy city alleys, before subsequently descending on pavements running parallel to main streets,¹⁹ in the process constricting movement. This behaviour set in motion violent modes of production-based competition. The first pitted licensed Asian traders against hawkers. The second pitted the hawkers against the City Commission, seeking to eject them from the city. The third pitted hawkers against regime-friendly beneficiaries of illegal land allocations.

Yet, there was also cooperation among these groups rooted in their mutually reinforcing needs. For instance, hawkers who sold second-hand clothes and electronic goods were provisioned by some Asians businessmen and regime-friendly actors engaged in illegal importations of the same. Notably, trade in counterfeit goods has since the 1990s been costing the state an average amount of Ksh 40 billion.²⁰ Women hawking vegetables, on the other hand, paid rents to city *askaris*²¹ in exchange for 'permission' to sell their fresh vegetables and fruits to city dwellers heading home from work.

There were city *askaris* commissioned to engage these formations depending on the élite interest under consideration. Understanding their voting potential, the President would occasionally intervene on their behalf, promising to allocate spaces for them, only to reallocate the same locations to his political cronies when it suited him. In so doing, he was able to play one group against another and in the process gain short-term objects of outwitting his opponents. However, the moment hawkers identified once again with the opposition, the regime would initiate crackdowns that would result in violence and loss of material for hawkers, thus leading to poverty.

By 2002, hawkers had invaded Harambee Avenue (which houses the seat of the Government). They eventually occupied Parliament Road, the famous Kenyatta Avenue and Koinange Street. This effectively placed the Central Business District under their occupation. However, by the time the Council

19 Mainly on Tom Mboya Street, Ronald Ngala Street and Moi Avenue.

20 See The Financial Post, 'Counterfeits cost government Ksh 40b annually', N° 8, vol 008. 15/11/2004, p. 1.

21 Local Council agents.

reclaimed its streets in 2003, a new crop of young merchants emerged from among the thousands of unemployed Kenyan college and school-leavers. These new entrants maximised on the penetration of South-East Asian products into the Kenyan market to successfully take over hundreds of spaces abandoned by Asian traders fleeing the crime-infested Central Business District in preference for the emerging shopping malls. In this sense, liberalisation turned Nairobi into a huge shopping mall that is constantly being mutated by the socio-economic and political variables. In specific terms, the failure of the political system to create job opportunities for high school leavers and university graduates has resulted in most of these youth transforming the commercial realm to create age-based single-seller table shops that cut across ethnicities.

'Militia' politics and the struggle for residential spaces

Egged on by the sheer need to survive, thousands of youths in Nairobi drifted into militant formations under labels such as Talibans, Baghdad Boys, Jeshi la Mzee, Jeshi la Embakasi and Mungiki. Most of these groups were hired by politicians for an average of Ksh 250 (4 US\$) to unleash violence on their opponents. Some provided vigilante security in working class estates. What is notable about the operations of these groups was their ability to converge class-based horizontal divisions with vertical ethnic interests. Underlying these are the dynamics of ownership and habitation of spaces in these low-class settlements. In a settlement like Kibera with a population of more than 700,000, residences are owned mainly by the Nubi and the Kikuyu, yet majority of the tenants are Luo, Luhya and Akamba. Formation of 'militia' groups tended to be structured around an ethnic identity. Underlying ethnicity was a clear strategy to access accumulation. Politicians also sought to hire violence by concealing their class interests, and instead, appealing to the groups' ethnic identity.

In Kibera, for instance, conflicts emerged consequent to attempts by the new KANU–NDP alliance to construct a power base. In a Harambee meeting presided over by Daniel arap Moi who was president at the time, a District Commissioner (DC) was on October 31, 2001, instructed to reduce rents by 50%.²² This decision met stiff resistance from landlords. They in turn were resisted by the *Talibans*²³—a predominantly Luo formation. Armed with whips, stones, *rungus* and machetes, the Talibans invaded Kibera.²⁴ By the time the violence was contained, many had lost their lives, women had been raped

22 Daily Nation, 1/11/2001.

23 As indicated by the names, these youth find inspiration from international actors. In specific terms, these names are ideological, indicating admiration for defiance, revolt and use of any means to wrestle certain contested values from the mighty. Other names include the Baghdad Boys.

24 Daily Nation, 6/03/2002, p. 2.

and property destroyed.²⁵

Kariobangi (another sprawling informal settlement) was ruled by the Mungiki, a millennium group that derived its name from the word *Muingi*, meaning 'masses' in the Gikuyu language. Its ideology is based on 'protection' of the marginalised of the Kenyan society, who are also the public.²⁶ Mungiki advocates a return to cultural values, the right to learn and opposition to imperialist control of Kenya's economy. Its spread in the 1990s can be attributed to the uprooting of the Kikuyu masses from the Rift Valley areas of Ole Ngurouine, Elburgon, Subukia, Laikipia and Nyahururu. It began its activities in opposition to the regime, provision of security in working and lower middle-class estates such as Kariobangi North, Kahawa West and Dandora.²⁷

In the mid 1990s, the Mungiki leaders claimed to have an enrolled membership of between 3.5 million–4 million with coordinating units across the republic. The leadership noted that each member pays Ksh 3 a month to sustain the group. It also claimed to have the capacity to raise as much as Ksh 4.5 million per month (US\$ 58,000) in subscriptions. In the month of March 2002, Mungiki murdered 23 people while injuring 31 others after 500 of them were allegedly abandoned off in the sprawling slums in Kariobangi North to undertake the killings.²⁸ This was a revenge killing for two of their members by the Talibans. Other militias operating in Nairobi included Jeshi la Mzee, which was used to beat up civil society activists such as the Reverend Timothy Njoya. Jeshi la Embakasi is an amorphous group that emerges during land disputes in Nairobi. One of their notable incidents is the invasion of an 818-acre piece of land lying between Umoja II, Kayole and Komarock Estates in Nairobi.

To the extent that Mungiki was perceived to be aligned to the opposition, it would sometimes be confronted by state security structures. However, in late 2002, the Mungiki relationship with the regime was transformed from confrontation to overt tolerance of their threats to public order. This change was informed by their decision to back the regime's new presidential candidate, Uhuru Kenyatta. Henceforth, they were allowed to take over certain transport routes, thus allowing them to raise cash which they used to pay their adherents, hold public processions and threaten opposition opponents with impunity while groups that were perceived as being unfriendly to them were arrested and beaten.

Transport spaces

25 The People, 27/11/2001.

26 The East African, 15/11/2000, 'Why won't the State clip them dreadlocks?'

27 Daily Nation, 3/04/2001.

28 BBC, 4/03/2002, 'Religious sect rampages in Kenya'.

The transport spaces stand out as some of the most contested realms in Kenya. The rivalry revolved around the *matatu*²⁹ industry. An informal transport system, the *matatu* industry was estimated to employ 30,000 people countrywide by 1993. Its activities are said to earn the economy an estimated Ksh 5.4 billion annually.³⁰

The liberalisation of the Kenyan economy in the 1990s animated the growth in this industry. Three factors underlay its growth—the relaxation of importation laws for second-hand cars (mainly Nissan Urvans and Toyotas) which were immediately converted into *matatu* and the importation of vehicle chassis which enabled faster assembly of minibuses christened '*manyanga*'.³¹ Availability of these vehicles expanded sites of accumulation for thousands of unemployable urban lumpens already hardened by opposition politics. This situation disintegrated the transport industry, especially its mediation with the public. Underlying this were several factors. There were vehicles owners who had a specific figure that they expected to receive from the touts who operated their *matatu* per day. This averaged Ksh 7000 (the mini Urvans) in the 1990s. On their part, drivers and the touts took home an average of Ksh 1500 per day.³²

There was also protection money to be paid to the poorly remunerated and highly demoralised police officers (who equally entered the industry as vehicle owners and extortionists) by both the owners and the touts. This was to prevent their arrest on frivolous grounds. The involvement of some police officers both as owners and extortionists seemed to encourage banditry among touts. The former, on receiving cash and the very fact of being owners acted both as an insurance and *carte blanche* for violence and disregard for the law by 'touts'.

Competition was cutthroat and wars were fought over routes and terminal points by capitalists. Nairobi alone has a total of 100 *matatu* routes. Various cartels made booming business by setting high entry barriers on the routes they controlled. Vehicle owners paid an average of Ksh 20,000–50,000 (depending on how lucrative the route) to have their vehicles ply certain routes and an average Ksh 300 per day to cartels in charge of the routes. They also paid a parking fee of Ksh 250 to the City Commission. There was Ksh 20 to be paid by the owner every time the vehicle left a location with passengers.³³ Any new *matatu* operator had to pay a certain fee to the route 'owners'.

The interaction of these factors produced an alternative subculture, characterised by a penchant for revolt against the existing political establishment at one level and a chronic contempt of existing societal norms and values at

29 From Kiswahili word 'tatu' (three). In the early days, notwithstanding the distance, Matatus charged a mere three cents hence the concept of Matatu (mathree) in Sheng.

30 Republic of Kenya, Economic Survey 1993, Nairobi, Government Printers, 1993.

31 Meaning new, stylish and fresh.

32 Daily Nation, 17/07/1996, 'The Battle over Matatu Control'.

33 East African Standard, 21/02/2003, 'And now welcome into the matatu industry'.

the other. Animating the *matatu* subculture was the hip-hop music played in these vehicles with impunity. The vehicles were thus transformed into moving discotheques, with complete disregard of the tastes of their clients. Clad in baggy trousers and American baseball caps, the khat-chewing *matatu* touts were easily identified by their foul language, disregard for passenger safety and rudeness towards their clients. They would arbitrarily raise the fares and stop the vehicles in the middle of the road in total contempt of traffic rules and regulations.

The mid-1990s saw vigilante groups like Mungiki and Kamjesh enter into the fray. Indeed the control of *matatu* routes become *sine qua non* for the survival of these marionettes when these groupings—primarily the Mungiki and Kamjesh—began fighting for occupation of the routes and termini. According to press reports, between July and September 2001, about 15 people were hacked to death as a result of such battles over control of the Dandora route.³⁴

By November 16, 2001, the Mungiki had taken over the Kayole, Babadogo and Kikuyu routes while the Transport Licensing Board watched on in silence. Furthermore, the Mungiki defied the Matatu Welfare Association's (MWA) demand that they keep off the routes. The Government, in most cases, remained a bystander as these pro-opposition groups fought for supremacy. This resulted in the Matatu Welfare Association expressing their fear of gangs such as Kamjesh and Mungiki, and the inability of the police to contain their activities.³⁵ The MWA attributed the problem to incompetence by police, demonstrated by their failure to understand the logic that under-girded the violence in the industry. In actual fact, the regime was weighing its options by deciding whom to please or displease. To the extent that the violence basically involved groups linked to the opposition, it was disinclined to intercede. Nevertheless, it selectively chose to intervene when the conflict threatened the interests of regime-friendly groups.

The inability of the Government to demonstrate its monopoly over violence for the common good³⁶ saw Mungiki take over the lucrative Route 32 serving the sprawling Dandora and Mathare North slums, as well as the Komarock and Umoja routes. In total, they successfully took over 15 out of the 100 routes in Nairobi. This coincided with their new mode of collaboration with the regime, especially their decision to impress the regime's candidate for the presidency. It was not until 2004 that a serious attempt was made by the new NARC government to bring order in the transport sector. This entailed imposing new rules that limited the number of passengers that could be ferried by vehicle and compulsory fitting of seat belts. It also attempted to remove the self-imposed stage managers. After a brief resistance from various gangs, the rules were instituted. Mungiki went underground, only to violently

34 Daily Nation, 20/02/2002.

35 East African Standard, 05/11/2001, 'The Matatu Industry: The Big Issue.'

36 East African Standard, 11/2001.

emerge with the killing of several people in Nakuru and of security officers in Nairobi's Dandora in January and February 2003 respectively.

THE TWO FACES OF THE BANDITRY

The lumpen banditry

The 1990s presided over increased forms of banditry with roots among the urban lumpens. Their main predatory realm was the urban sector transport routes. To understand its expansion and logic of impunity, we need to recapitulate on the social vertebrae that structured it. Core among these was the diminishing institutional capacity of the police force. Constraints on government recurrent expenditure imposed by the IMF and the World Bank had the net effect of freezing not only salaries of security forces but also their complements. By 1996, there were 30,000 police officers compared to a population of about 30 million translating into a 1:1000 ratio or one policeman for every 1,000 Kenyans. By 2002 it had grown to 1:1400. Worse still, the security forces suffered from lack of infrastructure, institutional capacity, poor leadership, corruption in recruitment, promotion and operational matters. Poor pay combined with favouritism created demoralisation and lethargy in the force. This was reflected in the absence of adequate supervision with respect to gun handling to the extent that some began hiring out their guns for criminal activities.

In the late 1990s, the state created the National Intelligence Service. The core of this unit was from the best cells of the police force. Little effort was made to retrain and improve the welfare of those who remained. A few young graduate officers recruited in the police force ended up frustrated due to poor pay and lack of promotion opportunities. As the frontiers for primitive accumulation increased, the security forces were not left behind. Many doubled up in extortion and collaboration with bandits. Special units created to combat crime become the source of the same and cases abound of police officers collaborating with bandits. Some went to the extent of leaking out operational plans³⁷. Before long, security institutional frameworks become fragile, lacking effectiveness and legitimacy. It was as if the state institutions were engaged in self-cannibalisation, *à la* Crawford Young. Citizens experienced state rule as simple predation instead of protection. It is in the context of the foregoing that predatory action in the transport sector boomed.

By 2004, the very survival of the urban economic activities had come under serious threat. Animating it were effects of the collapsing formal economy and the influx of small arms. Since the mid 1990s these economic bandits have been striking at *matatu*, taxi and bus transport sectors with impunity. Those involved are mainly urban lumpens. Drivers have been shot, conductors and passengers robbed of their collections along with other personal effects. In a

37 See The People, 13/10/2004, 'Officer under probe for "assisting" thugs'.

survey on incidents of *matatu*-jackings carried out in Nairobi and its suburbs,³⁸ it was noted that out of 181 respondents surveyed, 46 (25.5 per cent) of the total respondents confirmed having experienced carjacking incidents at least once in 2004. The survey was on nine out of 24 major routes, and it was done between 7 and 19 June 2004. Route 30 (Kinoo, Westlands, Uthiru) registered the highest proportion of carjacking incidents at 43.8%. Out of 16 respondents, seven had experienced a carjacking. Routes 111 (Ngong, Kiserian, Karen) and 32/42 (Dandora, Huruma) registered the third highest incidents of carjacking, both with proportionate values of 26.3 per cent. The route with the least occurrence of carjacking was number 6/9 (Eastleigh). Out of 18 respondents, only three confirmed having experienced a carjacking, representing 16.7 per cent.

A total of Ksh 576,350 and 398 mobile phones valued at Ksh 1,173,000 (with an estimated value of Ksh 4000 apiece) were expropriated at gunpoint. Total value of assets stolen in the course of the 46 reported incidents of carjacking amounted to Ksh 2,168,350. The average value of stolen assets per incident of carjacking translates to Ksh 47,138. Given an estimated number of 10,000 vehicles and the extrapolation of the same, carjacked vehicles at 25.5 per cent would translate to 2,550 *matatu* annually. The value of this economy thus translates to approximately Ksh 120 million for the six-month period and approximately Ksh 240 million (equivalent to US\$ 3 million) per year. This figure would increase by a factor of 4 or 5 were other modes of transport and personal vehicles prone to carjacking considered.

The foregoing cost differs from bandit commodity 'selling' price. It is noted that a total of Ksh 576,350.00 and 398 mobiles phones valued at Ksh 1,194,000 were expropriated at gunpoint. These are resold at an estimated average cost of Ksh 3,000. Notably, the total value of assets stolen at the reported 46 carjacking incidents translates to Ksh 1,770,350. The actual cost of the bandit economy in this sense is a function of the estimated cost of lost assets plus value gained by bandits after resale. In the case of cell phones alone, this amounts to Ksh 2,786,000 with a resale amount of Ksh 3,000 and 10,000 *matatu*. An extrapolation of this figure brings the net gain of Ksh 98 million to bandits over a period of six months in 2004 alone and Ksh 196 million (equivalent to US\$ 2.5 million) per year (this excludes other modes of transport and personal vehicles).

38 The data in this section is extracted from findings of a survey undertaken on a cross-section of routes in Nairobi, courtesy of Bradford Study on 'Impacts of violent crimes and conflicts on poverty.' The routes surveyed included Numbers 9/6 (Eastleigh, Pangani, Ngara), 32/42 (Dandora), 33/34 (Embakasi, Tena, Donholm, Pipeline), 30 (Westlands, Kangemi, Kinoo), 19/61 (Komarock, Kayole), 125/126 (Ongata Rongai, Kiserian), 46/56 (Kawangware), 105/115 (Kikuyu, Limuru), 111 (Ngong, Karen) points to the intensity and nature of this mode of banditry. Only 15 per cent, or a total of 817, vehicles mainly Toyotas/Nissans and mini-buses, were sampled.

Routes indicating high rates of carjacking tend to have certain characteristics. These include density of population and by inference, daily rates of collections and the availability of accessible escape routes for thugs. These routes are also characterised by poorly-lit embarking points from which thugs can access the vehicles. Most victims have lost personal effects such as money, cell phones and goods. In some extreme cases, passengers and drivers have been robbed, assaulted and stripped naked. Women have also been subjected to rape ordeals.

Operating in this highway bandit economy are young unemployed urban lumpens. Their victims are Kenyans of lesser means, who rely on public transport. On average, poor Kenyans live on less than 1 US\$ per day. Each carjacking incident causes a loss of about Ksh 3,100 (equivalent to 40 US dollars) for each victim. It will be noted that it is the said poor who end up paying more for goods and services due to increased costs of doing business. For instance, on routes 32/42 (Dandora) and 19/61 (Kayole, Komarock), the *matatu* tend to hike their fares by 25 per cent from 8 pm as a premium for the risk of carjacking. The effects of the bandit economy continue to marginalise the already disadvantaged poor. Given this state of affairs, many are forced to trek long distances. Only a few accumulate from this bandit economy. The 'gains' are not invested in productive activities. These gains are consumed as soon as the deed is committed and generates the need to expropriate more. In a year, they are able to access approximately Ksh 198 million (equivalent to about US\$ 2.5 million).³⁹

The actual value of this capital can finance the tarmacking of 10 kilometres of road, or up-grade 32 kilometres of murrum road. Naturally, such a road could facilitate peasant access to markets. The money is equivalent to the total school tuition fees of an average 750 secondary school-going students for one year. In a bid to respond to highway banditry, *matatu* proprietors have had to secure security screening gadgets. Those without them drive their vehicles to police stations for body searches. Most *matatu* now avoid picking up passengers en-route at night. The net effects are losses in earnings, worries and a panicked exit from Nairobi that continues to impact negatively on the formal economy. In a bid to combat this mode of banditry, the new Police Commissioner, General Hussein Ali, has set up new police units such as Spiders⁴⁰ and who operate from police *matatu* and diplomatic corps whose detail is the protection of diplomats. There has also been an increase of

39 It is possible that respondents were not being very truthful with respect to their daily average collection. Underlying this was the fear that the Kenya Revenue Authority may use the data for tax purposes. These figures may have been downplayed by about between Ksh 1,000–2,500. During rush hour—between 6 am to 9 am and between 5 pm to 7.15 pm, routes 125/126 (Ongata Rongai. Kiserian), 19/61 (Komarock, Kayole), 32/42 (Dandora), *matatu* (Toyotas/Nissans) carry more than the stipulated passengers by two or three people.

40 This group is also expected to deal with rapists.

roadblocks and motor vehicle inspections, aimed at flushing out gun-toting bandits.

Kuchinja⁴¹ of vehicles: bourgeoisie banditry

Nairobi has also been experiencing high levels of theft on personal vehicles. While at the core of this urban banditry are urban lumpens, these are basically marionettes of organised syndicates. The godfathers seem to be individuals involved in other 'respectable' business that act as fronts for their real activities. Those involved include renowned industrialists⁴² and businessmen.⁴³ Like the matatu banditry, this mode is also characterised by high levels of impunity that have seen motorists killed at a slightest hesitation to hand over their vehicles. Unlike the early 1980s when only parked vehicles were stolen, currently, one is likely to lose his vehicle while driving it. An interesting phenomenon of the current thefts is the apparent organised and powerful networks that overshadow the one-man jobs of the 1980s. While the latter were basically city centric, the current activities are web organised to serve regional bandit markets. The following table shows the trends in car robberies and carjackings between January 2000 and May 2004.

CAR JACKINGS AND STOLEN CARS BETWEEN 2000 AND 2004

	Stolen cars		Car jacking		Total			Recovered	Value of loss ¹ (in '000US\$)
	month	day	month	day	year	month	day		
2000	44	1.5	148	4.9	2,300	192	6.4	693	10,043
2001	30.6	1	168	5.6	2,375	198	6.6	1,025	8,437.5
2002	78.5	2.6	183	6.1	3,138	261.5	8.7	1,633	9,406
2003	63	2	182.6	6	2,643	220	7.3	1,534	6,931
2004 Jan-May	54	1.8	171.4	5.7	1,127	225.4	7.5	513	3,837.5

Sources: Interpol returns of Motor Vehicle thefts and robberies, and returns from the Commission of Insurance in Nairobi.

In 2002 and 2003, it is estimated that 50 per cent of these stolen vehicles found their way out of Kenya into the neighbouring states of Uganda, Tanzania, and DRC and to a lesser extent Rwanda, Burundi, Zambia and Malawi through a well-coordinated syndicate that operates in a number of countries in the region. The other 40 per cent of the cars were cannibalised and sold as second-hand spare parts. The remaining 10 per cent of the cars

41 This means 'slaughter' and is the name given to the process in the bandit circles.

42 One of the major arrests made by the police includes that of Fai Amario, a wine manufacturer and politician from Naivasha.

43 Includes members of the Akasha family, with large business interests in Mombasa.

had their colour, number plates, and chassis numbers altered, and were then re-sold in the local bandit market.

If we add the 2004 figures available for the months of January to May to those between 2000 and 2003, a total of 11,583 vehicles were stolen for the period under review (2000–2004). 5,398 cars were recovered, represents 46.6 per cent of the 11,583 cars stolen. The total value of the vehicles stolen for 4½ years is over Ksh 3 billion (US\$ 38.6 million). If the Ksh 1.6 billion government estimates of funds needed to tarmac urban roads in 1999/2000 budget is anything to go by, then motor vehicle thefts over 4½ year period would have rehabilitated roads in Nairobi, Kisumu, Nakuru, Mombasa and all other urban areas four times over, while retaining more funds to distribute to the constituency fund for purposes of poverty alleviation in the constituencies.

According to figures given by a local daily newspaper,⁴⁴ there have been a total of 2,349 cases of reported carjacking in 2004. A car was forcibly taken from a motorist in a total of 1,061 cases while 797 motorists and/or passengers were robbed. In 491 incidents, there was an attempt to steal a parked car. 45 of the vehicles were recovered in the said period. 90 per cent of the vehicles recovered were those used by criminals as a means to get cars. In these incidents, occupants were robbed and left for dead. Musa Yego of the Special Crimes Prevention Unit notes that 70 per cent of incidents in Nairobi occur in the upper-class estates. The level of sophistication of the process is discernible by the tactics deployed. Reconnaissance is undertaken on the victims and ambush spots. The most popular points are black spots, busy roundabouts, T-junctions, pothole points, feeder roads and gates.⁴⁵

On average, 22 cars are carjacked every day. All carjacking incidents occur with the use of guns. The testimony of different victims points to an average of more than three guns in a single cell that affronted them. The bandit cells are known to lie low for a while before striking again, mainly after consuming their loot. To sustain an average daily hit of five vehicles, there must be about 50 to 100 groups of bandits. An average 50 different cells with three guns translates to a total of 750 guns and a total of 1,500 guns if we base our calculation on 100 cells.⁴⁶

It takes an average one day to plan and steal a vehicle, another day to either *chinja* (dismantle) it prior to selling the emergent spare parts or arranging to have new fake papers, new number plates and change of colour needed to

44 The Standard Interactive, 01/10/2004; 'Carjacking statistics'.

45 Ibid.

46 Interview with a respondent who sought anonymity.

drive the car across the border. Sometimes stolen cars are driven across the border using what is referred to as *panya* (unofficial) routes.⁴⁷

Out of the 10,993 vehicles stolen in the four and a half year period under review, 8,129 units were taken at gunpoint. This represents 74 per cent of the vehicles stolen. The implication here is that a motorist is at three times at the risk of being robbed of his vehicle than when it is parked. Underlying this phenomenon is the fact that an owner-occupied vehicle is likely to be in a good shape and with fuel. In any case, one can also prey on the victim for pleasure and for capital needed to offset the costs of oil. More importantly, parked vehicles are likely to be under surveillance.

CONCLUSION

Nairobi remains a city under constant recomposition. It continues to be characterised by vicious struggles over spaces for socio-economic reproduction. The exclusivist logic of the formal political economy ensures that thousands in the slums (especially hawkers and *jua kali* artisans) remain marginalised. This engenders the informality that characterises socio-economic reproduction in the city. The same is spawned by the weakening capacity of a state under siege from global forces for liberalisation and privatisation. The net consequence is the drift towards urban banditry. It is this informal economy that allegedly explains the survival of Kenya despite aid embargos from development partners. This factor becomes apparent when it is appreciated that besides aid embargos, there was an equally massive divestiture caused by poor physical and communication infrastructure along with diminished institutional capacity to guarantee law and order.

Between 1999 and 2002, a total of 140 investors pulled out, citing corruption, poor infrastructure, bureaucratic bottlenecks and an increased crime rate. Direct foreign investment dropped from Ksh 26 billion to Ksh 22 billion between 1996 and 1998. The bandit economy averaged Ksh 1.5 billion and Ksh 6.2 billion annually for carjacking and poaching on forests respectively between 1990 and 1998. Government corruption averaged Ksh 127.4 billion between 1990 and 1999.⁴⁸ It is the foregoing that under girds the argument that the Kenyan regime literally sustained a bandit economy that runs parallel to the weakened formal economy.

Along with an increasing sense of insecurity at personal level, Kenya's economic recovery and by inference, the people's standards of living will continue to be undermined. Local industrialists and Multinational

47 This is how a vehicle belonging to the Chief of General Staff, Kenya Armed Forces was driven across the border after his wife and escort were accosted and robbed before being abandoned in Tsavo National Park. The car was driven across to Tanzania and was found in Sinja in a Chinese-owned garage, where it was to be sprayed into a different colour, less than two days after it had been robbed. East African Standard, 12/10/2004, 'Kibwana car found in Dar-es-salaam garage.'

48 See Nguni, M. et. al., 'The bandit economy, corruption and crime as the fourth factors of production in Kenya', East African alternatives, Sept./Oct. 1999. Sareat, p. 21.

Corporations (MNCs) through the Eastern African Association⁴⁹ indicate crime as their second main concern after poor telecommunication infrastructure. Of the 100 companies sampled, insecurity scored 87.8 per cent compared to communication at 90 per cent. A UN Habitat–Intermediate Technology Group Development, East Africa (ITDG-EA) survey carried out in March–June 2001 indicated that 40 per cent of Nairobi dwellers had been victims of robberies, 22 per cent had been victims of theft at least once in 2000, 18 per cent claimed to have been physically assaulted. In their extrapolation, the UN Habitat–ITGD-EA report noted that one in five city dwellers would be a victim of physical assault in 2002; two in five would be victims of robbery; 29 per cent of 10,500 residents interviewed had been victims of burglary; 30 per cent of commercial enterprises interviewed had been burgled. Most respondents intimated that they had been victims of insecurity in broad daylight.⁵⁰

The cost of the bandit economy to the society is a function of the net loss to the owner in terms of inconveniences, financial losses, trauma, re-sale value of the vehicle and the net loss to the insurance company. Key beneficiaries of the crime rates are the owners of security firms. The top 20 security companies earned Ksh 20 billion (US\$ 250m) in 1999. A conservative figure of a 10 per cent increase would put their earnings at Ksh 32 billion (US\$ 400m). More of these firms continue to mushroom, thus further stretching urban amenities and poverty. Underlying this is the fact that these people are among the most poorly paid. While they have abandoned farming activities, they can hardly earn enough to send their children to school. In addition to this direct cost, one must also add the taxpayer's contribution to the police which amounts to Ksh 5 billion (US\$ 62.5m). The figure could have been higher had the police budget demands of Ksh 50 billion (US\$ 625m) been accepted.⁵¹

It is notable that increases in crime have had the net effect of creating a siege mentality that has seen Kenyans leave their places of work very early, in the process causing heavy traffic jams. These, in turn, lead to the loss of productive time. Most are afraid of accessing their ATM machines for fear of being attacked. For this reason, the Kenya Bankers' Association is considering installing surveillance cameras along Nairobi's main streets. Shopping complexes in Nairobi, such as the Village Market and Sarit Centre have also invested heavily in security. The Village Market spends an average of Ksh 500,000 (US\$ 6,250) per month on 24 hour patrols and security gadgets. Sarit Centre incurs a security bill of Ksh 800,000 (US\$ 10,000) per

49 Represents 140 MNCs in Kenya. *The EastAfrican*, 16/10/2002.

50 See UN Habitat–ITDG-EA report, 'Strengthening partnership for a safer Nairobi', 2001. See also Franz Vanderschuuren, 'Background document safer cities programme; prevention of urban crime', UNCHS (Habitat).

51 *The East African*, 25–31/10/2005, 'The cost of fear: security firms' turnover tops US\$ 400 million.'

month. Insurance premiums have also increased by between 5 to 10 per cent annually⁵². The cost of hiring regular police patrols has also gone up from Ksh 200 (US_\$2.5) to Ksh 1000 (US_\$12.5) per day. More critical is the increasing despondency that the state cannot guarantee the people's rights to property. This constrains commitment to hard work and the drift towards informal economies as the easy way out of a marginalising formal economy. The informal economy is supported through their tendency to buy stolen goods. The converse of this situation is the increasing sense of impunity with which criminals operate.

To extricate the city from its morosity, there is need to re-establish a governance realm within the state as a whole. This calls for a developmental state that must grapple with questions of access to means of production and enhanced state penetration in the society. There is also need to grant property rights to slum dwellers, especially in the areas they currently occupy to enable them access credit from banks. Only such efforts will enable them to transform the existing dead capital into a productive capital integrated in the formal economy. The increasing crime-rate will not be contained without a concerted attempt to resolve the crisis of more than 4 million young Kenyans ejected from the formal system by the IMF-World Bank driven logic of a watchman state. A national youth service, operating under the military, which can help build infrastructure, housing units, and schools in the process and thus provide the youth with either skills or opportunities to return to school, is one way out. With an estimated Ksh 300 billion stashed outside the state by former power wielders⁵³, Kenya merely needs to appeal to her development partners to help her recover some of these funds for the operating of a development-minded state.

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Daily Nation

East African Standard

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Hidden \$ Centz

Rolling the Wheels of Nairobi *Matatu*¹

Mbugua wa-Mungai

From my field diary

A hot October afternoon. I am standing at the Tusker lay-by right in the heart of the Central Business District. A sea of humanity crushes into me from all directions. It is approaching the afternoon rush hour, and from the build-up of human activity spurred on by the sight of heavy rain clouds drifting towards the city, I can see that I am going to have a particularly difficult ride home. Already, I am having trouble focusing on the route numbers displayed on *matatu* windshields. Presently I give up, my attention attracted by the antics of a conductor whose vehicle has just stopped, with a dramatic screech, literally half a foot from my toes. The legend ‘Hidden \$ Centz’ is painted in bold green letters across the vehicle’s front and flank.

“*Beba! Beba!! Gari wazi kama kanisa!*” Shouting in Kiswahili, the lanky uniformed youth is exhorting commuters to climb aboard his vehicle, which, as he dutifully misinforms us, “*is as vacant as a church!*” This lighthearted derision for the church is not taken seriously, as is witnessed by the commuters who scramble to hop onto the already-moving mini-bus from whose sound system thuds some rather loud music. So far as I can tell, the Transport Minister’s Legal Notice² outlawing such practices does not seem to have worked too well; some *matatu* do not even sport the mandatory yellow band! As I wait for my *matatu*, I muse at the ways of *matatu* folk, their relationships with the city road and ‘us’, passengers. Like the popular Tusker beer brand after which this lay-by is named, these vehicles and the road bring people together in interesting ways.

1 This chapter is based on fieldwork data collected in Nairobi between 2000 and 2005. ‘Matatu’ is a non-countable noun and the paper avoids use of the commonly used term ‘matatus’ for the plural form.

2 This refers to the Kenya Gazette Legal Notice n° 161 of 3 October 2003, that instituted changes in the public transport. Among *matatu* workers, the new regulations are often referred to as ‘Michuki’s laws’, after the Minister for Transport who initiated these changes.

As the above sketch shows, the (his) story of Nairobi cannot be told without narrating the workings of the transport sector that is dominated by *matatu*. There has been no government-owned public transport since the Nyayo Bus Company collapsed in the early 1990s after only a few years of operation. This has led to a phenomenon where a public service is offered solely by private investors, with the government historically playing the role of ineffective regulator. All public service routes, for which numbers have been assigned, begin in the city's Central Business District (CBD) and fan outwards to the numerous residential neighbourhoods on the outskirts of Nairobi. Although buses also ply these routes, historically *matatu* are the predominant mode of transport, partly because of passenger preferences and lesser operational costs.

There is strictly no standard shape or size for a *matatu* and a proposal by local vehicle manufacturers for a standardised safe model were ignored—in Kenya's rural areas, pick-up trucks without seats have often played the role of public service vehicles. Additionally, some vehicles operate way beyond the limits of their mechanical life cycles and are only kept going by owners' sheer ingenuity at innovating ways of holding together parts that are literally falling apart. This phenomenon, alongside the massive importation of used vans from Japan and Dubai, has firmly fixed the term 'reconditioned' within the linguistic economy of motoring in Kenya. In Nairobi, however, *matatu* vehicles are either previously 18-seater refurbished vans or 25-seater locally assembled mini-buses.

Even though these vehicles were intended to accommodate a specified number of people, the norm often has been to fill up all available space with passengers, with the result that the interior of the *matatu* often became conducive for pick-pocketing and bodily violations, especially of female commuters. This might explain why the tout cited in the introduction above metaphorises a *matatu* as 'an empty church'—space that needs filling up and is endlessly accommodative. Previously, the *matatu* were fitted with powerful sound-systems, earning themselves the appellation 'discos on wheels',³ but some of these features have been changed by the introduction of strict operating regulations.

According to the Economic Survey 2005, there were 36,757 licensed *matatu* countrywide, which was 500 more than the number licensed the previous year.⁴ These ubiquitous, brightly decorated *matatu* are constantly invoked as a metaphor for the vagaries of contemporary urban existence. 'Chaos', 'lunacy', and 'uncultured' are some euphemisms commonly used to label the aggressive, masculine subculture of *matatu* workers. However, such tags—betraying an obvious high/low perception of social groups—often mask the real dynamics of *matatu* work and erroneously seek to portray it in class terms.

3 The Sunday Nation, 08/09/1992. 'Discos on wheels and their hidden message', in Lifestyle Magazine.

4 Daily Nation, 26/05/2005.

This is misleading for the simple reason that nearly everyone in Nairobi is somehow involved with *matatu*, be it directly or indirectly. Even private motorists are obliged to share, and often, to compete for road space with these vehicles. At any rate, in a situation where there is no government-owned public transport system, *matatu* work lies at the core of the city's economic life and supplies a critical link with various spheres of the informal economy such as motor vehicle mechanics, music and bumper sticker vendors, vehicle decorators and panel beaters. As Khayesi, Kemuma and Murunga (2002) state, 60 per cent of the public service transportation market within Nairobi is served by *matatu*.⁵ Indeed, the *matatu* name *Hidden \$ Centz* captures the economic imperative of *matatu* work—the quest for ‘hidden dollars’ [money] is the thread that ties the lives of *matatu* crews, their passengers and a network of other embedded informal small scale entrepreneurs. Further, as Khayesi *et al.* found in a research carried out in Nairobi, Thika, Ruiru and Eldoret, there are between one and six dependants to every *matatu* worker.⁶ In a sense, therefore, to tell the story of *matatu* is to tell a collective story. This chapter will dwell mainly on the socio-economic dynamics that shape *matatu* work. It begins by placing this mode of transport in a historical context and then examines its economic dynamics in view of recent changes wrought by Legal Notice 161.

A BRIEF HISTORY OF A LONG, BUMPY RIDE

As with many things about these vehicles, both the meaning of the ‘name’ *matatu* and the origins of these types of vehicles reside in a set of rumours that have gained wide acceptability over time. It is sometimes argued that the name is derived from Kiswahili but it is in fact from Gikuyu. It is generally agreed that the name evolved metonymically from the Gikuyu phrase ‘*mang’otore matatu*’, the three ten cent coins that were used as bus fare when these vehicles began plying Nairobi roads. According to another rumour, the business began in the Rift Valley during colonial times when pick-up truck owners realised that they could cash in on people’s needs to deliver goods for sale to Nairobi.

Beyond rumours, the first *matatu* reportedly appeared in Nairobi in 1953. They were seen as pirate taxis because they encroached upon the public-carriage monopoly enjoyed by the Kenya Bus Services Company (KBS) in the then Nairobi Municipality. The conflict between city authorities and *matatu* workers is not surprising especially given the fact that the KBS, established in Kenya in 1935, was a subsidiary of an English company. Its being granted a monopoly was thus seen as an extension of the economic privileges enjoyed

5 Khayesi, M., Kemuma, J. and Murunga, G., ‘A notorious workforce?’ Road Transport and the Matatu Youth in Kenya. Paper presented at the Youth Policy and Policies of Youth in Africa Spring Conference, Program of African Studies, North Western University, 2002, p. 3.

6 Khayesi, M., *et al.*, *op. cit.*, p. 9–10.

by the foreigners in both pre-independence and post-colonial times.⁷ It was not until 1973 when President Jomo Kenyatta issued a decree allowing *matatu* to formally enter the public transport business, following a visit to his Gatundu home by a group of indigenous investors. However, even as his directive came into force, the legal stipulations defining a public service vehicle were not amended to reflect the new status of *matatu*.⁸ In fact, attempts by parliament in 1984 to harmonise the various laws governing public transport came to nought owing to fierce competing interests between the Nairobi City Council, financiers and politically-connected *matatu* owners.⁹ The result was that public transport within the city's Central Business District was predominantly left to the KBS.

Although the ownership of the KBS changed hands in 1989, its 69-year monopoly on public transportation within Nairobi's Central Business District only ended in December 2004 when the minister for transport allowed another bus company, Citi Hoppa, to operate.

The history of exclusion of local entrepreneurs from participation in the transport economics of the city has also had significant political ramifications, especially since these entrepreneurs perceive the government as antagonising the indigenous informal sector popularly known as *jua kali*, while favouring foreign-owned 'big capital'.¹⁰ Incidentally, there is a distinct irony here in that *matatu* owners cannot conceivably be described as poor. On average, it costs one million Kenya shillings (US\$ 12,500) to put the smallest *matatu* on the road; only the crews that operate these vehicles can be categorised as truly poor. Indeed, the government's perceived suppression of the *jua kali* sector and indifference to it has often evoked comparisons to earlier nationalist struggles between indigenous and foreign economic interests whereby local elites—often politicians—are seen as a front for the latter.

Thus, the political economic history of *matatu* has always been mired in controversy and it was not until 1984 that the law began to address the position of *matatu* in the transport sector. Only in 2003 did the minister for transport activate a regulatory and operational framework for the public transport sector through Legal Notice 161. Although these new operating rules generally targeted the broad field of public transport, they appeared to be the government's reaction to numerous public complaints about the 'indiscipline' and 'disorder' in the *matatu* sub-sector. Furthermore, the government needed to establish a clear mechanism through which to monitor the *matatu* industry in order to get vehicle owners to pay income tax on their

7 Lee-Smith, D., 'Urban Management in Nairobi: a Case Study of the Matatu Mode of Transport' in Stren R.E. and White R.R. (eds.), *African Cities in Crisis*, Boulder: Westview Press, 1989, pp. 276–304.

8 Khayesi, M., et al., op. cit.

9 Lee-Smith, D., op. cit.

10 Macharia, K., 'Slum Clearance and the Informal Economy in Nairobi', *Journal of Modern African Studies* 30 (2), (1992): 221–236.

profits, which they had hitherto not done. As a result, the licensing of *matatu* is now closely monitored and regulated by the Transport Licensing Board (TLB).

Among other things, public service vehicles are now required to sport a six-inch yellow band all round the vehicle and be painted a uniform colour. They are to be fitted with speed control devices and to desist from playing loud music. The minimum age of crews has also been placed at 24 while, previously, teenagers could have been recruited as workers. If, as stated in the Economic Survey statistics, 36,757 *matatu* were licensed countrywide in 2004, and given that there are at least two crewmembers in most *matatu*, then there were roughly 73,514 *matatu* workers. This figure, however, does not take into consideration other cadres of indirect *matatu* workers, such as stage managers, booking clerks and loaders and therefore, it is largely impossible to determine a precise number of the *matatu* labour force. Despite the new requirement that *matatu* owners give their workers written contracts, few have done so; as in the past, a majority of the *matatu* labour force is engaged as casual workers. Perhaps the most radical of the new rules, and which elicited stiff opposition from crews, requires drivers and conductors to wear uniform and carry employment badges. "We are not school-children!" many protested, but in the end they complied. An unforeseen effect of this is that clothes dealers, especially in downtown Nairobi, have seen a drop in their sales given that *matatu* workers no longer spend as much as they used to on fashionable imported designs as they cannot wear these to work.

Indeed, the most conspicuous changes have been seen in *matatu* operations rather than in buses that are considerably fewer and have always had a semblance of better order. Two significant things have emerged in this 'new' environment. While it is true that bigger vehicles have become more popular among *matatu* owners, it is also noticeable that the number of these vehicles has also grown steadily, meaning that an even greater number of young people have now joined the sector. Secondly, and related to the above, there are now more female crews, especially conductors.

Aware that they occupied at best a tenuous position in law, *matatu* owners came together and formed the Matatu Vehicle Owners Association (MVOA) in 1988 in order to better represent their interests to the government.¹¹ However, politicians were quick to exploit the vast constituency comprising MVOA and the thousands of youth working on *matatu*.¹² Arising from this fact, during Kenya's single-party days most of these *matatu* workers were constituted into a youth brigade for KANU, the then ruling party. They unleashed terror upon real and perceived opponents of the government. As Khayesi, *et al.* have argued, these youths became such a brazen brigade that they broke the law with impunity. Allegations of illegal detention at bus parks, savage beatings and other acts of criminality attributed to these youths were rampant. These

11 Khayesi, M., *et al.*, *op. cit.*

12 Widner, J.A., *The Rise of a Party-State in Kenya*. Berkeley: University of California Press, 1992.

are some of the actions that confirmed over time the public perception of *matatu* workers as criminals, or at the very least, anti-social people.

However, the clamour for multiparty politics in the late 1980s gave an ironic twist to this tale. *Matatu* became a popular site for the expression of anti-government sentiments.¹³ In fact, MVOA was banned in 1989 when its leaders were perceived to be opposition supporters; the present Matatu Welfare Association (MWA) was registered in 2001 and is the major organising point for most of Kenya's *matatu* owners. Through popular music played in *matatu*, singers pointed out social injustices perpetrated by the then ruling élite and generally satirised KANU. Indeed, *matatu* owners and conductors lent key support to Kenneth Matiba and Charles Rubia, leading opposition figures at the time. The *matatu* constituency had turned full circle. Nevertheless, this only seemed to confirm the popular image of *matatu* workers as 'trouble makers.' This perception of *matatu* workers as an anti-social lot is reinforced by the mistaken view that crews are 'uneducated'; in fact, a majority of them have at least a secondary school education.¹⁴ *MATATU WORK, THE POLITICAL ECONOMY AND CRIME*

One of the most conspicuous things about the *matatu* sector is the vast numbers of youths employed and often under-employed to run these vehicles. This is an important point because it sheds light on the character of 'joblessness.' Whereas these youths cannot be said to be unemployed in the true sense of the word, with a daily average income of Ksh 300 (US\$ 3.7) and Ksh 500 (US\$ 6.2) for conductors and drivers respectively, these crews are barely better off than the rest of the urban poor. This is reflected, for instance, in the type of housing that they live in—crews almost always reside in Nairobi's seedier estates particularly Kariobangi, Dandora, Kayole, Kawangware, Mathare North and Githurai. The fact that these are considered lower-market residential areas, which are often spoken of in terms of slums, has reinforced a general perception of *matatu* workers as having a negative influence upon the city. Indeed, they are seen as agents of the violent crime often associated by the public with low-class neighbourhoods. However, *matatu* crews, just as passengers and other private motorists, have often been the targets and victims of such crime.¹⁵

The perception of *matatu* work as mired in crime is also rooted in the phenomenon of route cartels that, for a daily protection fee, allow vehicles to operate on certain routes. The more lucrative a route, the higher the joining and daily protection fees. The official role of route allocation lies with the Transport Licensing Board, which despite existing since independence, was mostly active in the 1970s and has only recently become vibrant with Legal

13 Haugerud, A., *The Culture of Politics in Modern Kenya*. New York: Cambridge University Press, 1997, pp. 28–30.

14 Khayesi, M., et al., op. cit.

15 Daily Nation, 27/12/2002, 'Passengers robbed as gangsters hijack bus'.

Notice 161. During its long duration of dormancy and especially after the banning of MVOA in 1989, *matatu* owners on specific routes organised themselves into formidable cartels that strictly controlled who was allowed to operate on these routes.¹⁶ These cartels were organised around a few rich *matatu* owners on each route, who, mostly under the protection of police officers—themselves often *matatu* owners—locked out or frustrated unwanted competition. To protect their turf, such *matatu* owners engaged the services of route managers. A *matatu* owner virtually surrendered his vehicle to these managers who then employed crews of their own choice. The route manager collected a fee from the crew for every trip made (ranging between 50 and Ksh 200, depending on the route) and at the end of the day for unspecified welfare activities. Such levies ended up in the pockets of the prominent route owners.¹⁷ Entry fees ranged between Ksh 40,000 (US\$ 500) for less attractive routes—for instance from Nairobi to Ruiru—and Ksh 60,000 (US\$ 750) for the more profitable ones like the Nairobi–Kangemi or Nairobi–Githurai 44 routes. These cartels have operated with the active participation and protection of corrupt police officers, who also happen to own public service vehicles on such routes. In effect, the inherent conflict of interest undermined any government efforts to bring the unruly *matatu* sector under control.¹⁸

Another even more frightening aspect of this struggle for the control of *matatu* as an economic enterprise is the entry of violent gangs, parallel to the vehicle owners' cartels. The most dominant of these have been the *Mungiki* and *Kanjesh* groups. Vastly comprising unemployed urban youth, some with a known history of crime and drug abuse, these gangs extorted daily protection fees. Vehicle owners sometimes watched helplessly as their investments were forcibly taken over or sometimes burnt to a shell and the owners murdered if they resisted extortion.¹⁹ This has in the past resulted in bloodshed amongst rival gang members and *matatu* crews as well as injury to members of the public caught in the violent crossfire.²⁰ This situation has invoked comparisons with Johannesburg's notorious taxi wars.²¹ These *matatu* gangs operated with

16 Sunday Nation, 27/12/1998, 'Matatu mafia hit on PSV operators; even police are involved in the scam'; Daily Nation 27/04/2001, 'Headache on wheels; cartels and corrupt policemen take the magic out of matatus'.

17 Daily Nation, 27/12/2002, 'Passengers robbed as gangsters hijack bus'.

18 Daily Nation, 16/11/2001, 'Police to fight matatu cartels'.

19 Sunday Standard, 27/09/1998, 'Matatu gang law ; chaos rules as mafia-like cartels take control of roads'; Sunday Nation, 24/01/1999, 'Kaguthi must run this mafia out of the city'; Daily Nation, 16/11/2001, 'Showdown over public transport; licencing board remains silent as rival gangs fight it out over matatu and bus routes'.

20 East African Standard, 15/12/1998, 'Victims of matatu madness.' Daily Nation, 2001 ; East African Standard, 2 January 2003, 'Tout killed in Nairobi matatu route chaos'.

21 The East African. 1–7/06/1998, 'When the transport business becomes open warfare'; 'As matatu mania escalates, could Kenya be heading the South Africa way'.

impunity because they had the backing of powerful establishment figures.²²

Although the law now expressly forbids entities other than the TLB from assuming any authority in the running of *matatu* work, personal checks on the situation in Nairobi's Eastlands (especially Dandora, Bahati, Makadara and Jericho) *matatu* termini to evaluate compliance to Legal Notice 161 revealed that gangs still collect protection money (ranging from Ksh 200 to Ksh 500 daily). However, this now happens much more discreetly.²³ Gang members walk around surreptitiously at various *matatu* termini in the Central Business District, which are managed by Nairobi City Council officers, and collect money from *matatu* crews. One can safely assume that the police are aware of these developments but are either unwilling or unable to curb this new trend.²⁴ Thus, instead of eliminating the practice of extortion, the new laws have merely forced an operational transformation. The protection fee is the primary source of income for gang members, who mostly have between 2–3 dependants. Gang membership is impossible to determine precisely because as banned associations, these gangs operate in the 'underground.'

Armed confrontations between the police and gang members occur, particularly in Eastlands, but such violent suppression is neither sustained nor effective; even when gang members are taken to court, few convictions are ever achieved. While overall it is true that some crews might have criminal associations, the new rules now require all prospective public service vehicle workers to obtain a certificate of good conduct from the police before they can qualify for employment. Some crews admitted to smoking marijuana and consuming alcohol at work in order to ward off the stress and fatigue that come with this physically demanding work. Nevertheless, one cannot claim this as a general characteristic of the vast cadres of *matatu* workers. Most are just regular people, trying to make the best of a gloomy situation. The more accurate position is that a majority of them are high school leavers who, on account of their low academic achievement, cannot access other means of formal employment and have to work on *matatu*, which have for a long time been the most easily available jobs. In this manner, thousands of young people have been absorbed into the sector as drivers, conductors and route managers. Nevertheless, even recruitment into the *matatu* labour force has become increasingly difficult especially with the introduction of stringent entry requirements by the recent law.

22 See Wamue, G.N., 'Revisiting our indigenous shrines through Mungiki', *Africa Affairs* 100, 400 (2001): 453–467; Anderson D.M., 'Vigilantes, violence and the politics of public order in Kenya', *Africa Affairs* 101, 405 (2002): 531–467; Kagwanja, P.M., 'Facing Mount Kenya or Facing Mecca? The Mungiki, ethnic violence and the politics of the Moi succession in Kenya, 1987–2002', *Africa Affairs* 102, 406 (2003): 25–49.

23 Even government officials admit that despite the existence of the TLB there are still route cartels controlling part of the *matatu* sub-sector (*Saturday Nation*, 21/05/2005, 'Now Michuki rules to focus on cartels', *The Standard*, 18/05/2005, 'Shadowy groups blamed for strikes').

24 *East African Standard* 18/05/2005, 'Officers turn a blind eye as cartels rule'.

SOCIOLOGY OF *MATATU* WORK

Among *matatu* workers, one will find the odd university graduate, underemployed as a *matatu* driver because he cannot access formal employment. Whereas such individuals are quick to vent their bitterness at 'the system' for letting them 'go to waste', they are also eager to point out that working in these *matatu* has kept them from crime. This applies to the vast majority of the youthful labour force as they struggle to turn their tales of personal despair into narratives of survival against great odds. In this case, it is perhaps the entry of female workers into the sector of *matatu* work that reflects most intensely the nature of the youth's struggles for survival. It also depicts a portrait of determination.

As indicated earlier, *matatu* work has traditionally been a distinctly marked male space. Traditional social attitudes about gender roles prevented women from even dreaming about working on *matatu*. This distinction arose partly because *matatu* work often involves lifting heavy loads onto vehicle roof-carriers, and women were presumed not to have the physical stamina to withstand the rigours of such work. More importantly, women are shut out of such work through socialisation. This can be seen in the myriad popularly used local sayings and idioms that portray this type of work in purely negative terms; 'Why are you behaving like a tout?', 'He is driving like a *matatu* driver', '*Matatu* people are uncouth', 'What do you expect from these people who all failed in school?', '*Matatu* people are marijuana smokers.' In other words, *matatu* work has all along been deemed as a career exclusively for the 'indecent', a just reward for 'unrefined' people who refuse to pursue more socially accepted types of work. Thus if it is difficult for male crews to be accepted by the rest of society as legitimate workers, one can appreciate what a difficult choice female workers have had to make in seeking to inveigle themselves into the ranks of such a disparaged work force.

However, the role of female workers must also be seen as a pragmatic response to the imperative of joblessness; as opportunities for formal employment reduce, and in a society whose traditional biases against females often denies them such chances when they are available, these women have had to adjust themselves to doing 'unladylike' work. In the process, they literally soil their hands, and often, their reputation. Nevertheless, it is worth noting that their male colleagues, perhaps aware that they can do nothing to change the rules that have given women access to *matatu* work, have generally been supportive of these female *matatu* conductors.

THE EMBEDDED ECONOMIES OF *MATATU*

Matatu are a focal point of many lives, particularly in the economic sense. Many micro-economic activities occur around these vehicles, meaning that the sector indirectly provides a source of livelihood for many more people

besides crews. The most significant of these secondary activities is the vehicle-refurbishment industry. After *matatu* have been on the road for a number of years, often having taken much battering, they are taken to these workshops where the vehicle's panels are straightened out and re-sprayed with a new coat of paint. The cost of refurbishment might range from Ksh 100,000 to Ksh 300,000 depending on the extent of damage to be repaired and, often, on how fanciful the makeover is. In *matatu* parlance, the *matatu* is said to “*have gone back into the kitchen*.” It is literally welded together and reinvented into a ‘new’ body. Catskill AutoTech, 3M Bodybuilders and Wananchi Bodybuilders are some of the workshops that command a wide client base amongst *matatu* owners.

These workshops also employ several young artists and graphic designers whose main job is to decorate the vehicle. Different decorators charge different levies but the more highly-rated an artist's work is, the more sought after he becomes and consequently the higher his fees. This is usually enough to leave over a profit of between Ksh 15,000 to Ksh 20,000. According to one such artist, Charles Muia of Catskill AutoTech, owners contract him: “*To package the vehicle by decorating it so that it can attract customers, especially young people*”.²⁵ These artists, known in the business as designers, act as commodity brokers. They lift ideas and images of mostly American stars from popular youth magazines—the hip-hop publications *The Source* and *Vibe* are the artists' preferred sources—which they then post on *matatu* bodies as a marketing strategy. This would account for the proliferation of Black English forms and phrases on *matatu* surfaces. Designers' success lies in their ability to identify, interpret and present commodities to the youth. Most Nairobi *matatu* are billboards on wheels. In turn, this translates into profit for *matatu* owners because young people's patronage of particular vehicles often depends on visual appeal. Catchy names and phrases from magazines, as well as the icons from the film, music and football industries are posted on these vehicles. In Muia's words: “*These decorations capture the dreams of the youth*.” *Matatu* advertising plays a part in the consumer patterns of Nairobi's young people.

The identifications spawned and circulated by the *matatu* design can be seen in youth consumption of fashion and music. Before *matatu* crews were constrained into uniform by Michuki's laws, they were the fashion trendsetters among Nairobi youth. On certain routes crews sometimes refuse to wear uniform, but at their peril, as they are liable to arrest by the police. Previously, their daily apparel were the latest items from African American clothing lines—*Akademiks*, *RocaWear*, *Gunit*, *Dragon*, *RoughRyder*, *Enyce* among others—as well as the trendiest boots, with *Timberland* and *Caterpillar* being the preferred choice. This came to be known as the *mabomi* style. In *Sheng*, an urban youth

25 Interview with Charles Muia, 26/08/2002, Nairobi, field notes.

dialect, this refers to hip-hop dress mannerisms and tastes—sagging pants, oversize boots, branded sweatshirts and a general brash attitude. Since they occupy a distinctly visible space, crews have in this way been instrumental in shaping the trends of fashion consumption in Nairobi's youth culture. Furthermore, the music played on the *matatu* has had a crucial role in the dissemination of music tastes and in this process aided CD sales. Some *matatu* have also been the filming site for the video versions of popular local raps, most notably 'Wazee wa Githurai' (2002), 'Kenyan Boy, Kenyan Girl' (2003) and 'Niki?' (2005). Pirated music also has a wide market among *matatu* crews and passengers.

The hawking phenomenon is another often overlooked aspect of *matatu*'s hidden economies. Daily, hundreds of male and female vendors make a living by moving around the various *matatu* and bus termini, cajoling travelers to buy assorted wares balanced on their arms and shoulders. These range from bananas and sweets to padlocks, pens and pencils, trinkets, books and handkerchiefs offered at bargain-basement prices. Stickers bearing an assortment of crisp aphorisms—obtained from local sayings, popular proverbs and the Bible—are also on offer, particularly for *matatu* crews. These itinerant micro-traders are not licensed to operate by the city authorities and have to play cat-and-mouse games with them in order to evade arrest. However, by bringing goods right inside the *matatu* they spare customers the bother of having to walk from shop to shop in search of particular items. Located near *matatu* stops are also found scores of small enterprises selling food, fruits and drinks mainly to *matatu* workers, sometimes on credit terms.

Some unsavoury economic exchanges also take place in *matatu* or near the many *matatu* termini. One of these is the sale and consumption of drugs. While for some crews drug consumption is limited to cheap brands of illicit liquor, some use cannabis, heroine and cocaine. There are also networks of commercial sex workers who operate around *matatu* stops, looking out for prospective clients among the *matatu* crews and passengers. These sex workers operate mainly from the numerous bars located around *matatu* and bus termini. In a related sense, some crews work in cahoots with Nairobi's homeless people. Some of these pose as garbage scavengers but are in fact thieves and act as a market for stolen goods. The most popular of such goods are cell phones, watches and jewellery. However, these sorts of shadowy activities are frowned upon by most *matatu* workers who are nevertheless unable to enforce a code of behaviour because they do not have a union around which to organise.

MATATU WORK POST-MICHUKI'S LAWS

When Legal Notice 161 came into force on 1st of February 2004, most people interviewed sighed with relief but at the same time, adopted a 'wait-and-see' attitude. Having become used to regarding *matatu* workers as a law unto

themselves, few people believed that the transport minister's tough talk would 'tame' this rowdy lot. "*Matatu will always be matatu*" was a commonly heard cry of resignation—the public desired to see a change in the operations of the *matatu* sector but were also careful to temper their wishes with some skepticism, having experienced the government's past half-hearted attempts at reforming and regulating *matatu* work.

It is not possible to examine here the full extent of Legal Notice 161 on *matatu* subculture. What might be done is to highlight the economic effects of these reforms. Evidence on the ground suggests that some of the changes have taken root and might have far-reaching effects.

There is a perceptible reduction in *matatu* control gang activity. This has encouraged the entry of more investors. The sector has become more predictable and operates according to market dynamics. For instance, since the law has greatly reduced passenger capacity in PSV vans from 18 to 13, investors are increasingly opting for the bigger minibuses that can take up to 34 seated people. In this regard, the National Industrial Credit Bank has played a key role in financing the purchase of new vehicles just as insurance firms that previously shunned the sector are taking an active interest in doing business with *matatu* owners. Additionally, some *matatu* owners have placed their workers on contractual rather than casual employment but this practice is yet to take firm root given that most *matatu* owners are interested in concealing their real income for purposes of reducing tax remittances. In turn, this means that few *matatu* crews pay income tax, which is a clear breach of the law.

On a related note, the 2005 Economic Survey indicates that the *matatu* sector grew by 54% in 2004. Earnings from passenger transport were placed at Ksh 90.6 billion. The government has in turn realised a significant income through direct taxation of vehicle owners' earnings as well as through the issuance of various licences. The contradiction here is that these taxes are rarely ploughed back into road repairs and expansion, meaning that vehicle breakages and traffic jams result in high operational costs in the road transport sector. Hence *matatu* owners' complaints that owing to the strict enforcement of traffic laws, it has become increasingly uneconomical to run a *matatu* above board. Nonetheless, offering bribes in order to circumvent the law has also become more expensive.

Another economic phenomenon relates to the emergence of *matatu* cooperative societies. While these groups came into being primarily as welfare societies, they have diversified into investment vehicles. *2NK SACCO*, *Mololine*, *KUKENA* and *Nuclear Services* are examples of such investments. Besides lending money to their members, a number of these *matatu* cooperatives also own and operate petrol stations.

CONCLUSION

The *matatu* sector is a dynamic one, recognisable for job creation for the youth, who bring with them their creativity and innovative ideas. If streamlined, it could prove to be among Kenya's highest revenue earners. However, state intervention and support is required in the provision of infrastructure such as good roads, security and the elimination of cartels.

Matatu are not just objects of conveyance—they are engines of economic growth whose effects are deeply felt by the majority of Kenyan society. Their evolution into a central feature of ordinary Kenyan life has by all means been a phenomenal tale of survival. The hidden dollars and cents in the sector can be tapped and translated into a higher standard of living.

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Political activism in Nairobi

Violence and resilience of Kenyan authoritarianism

Hervé Maupeu

Political life in Kenya is full of conflict and violence compared to neighbouring Tanzania, but it has not degenerated into civil war, as has been the case in Uganda, Burundi and Rwanda.

In the Kenyan situation, political conflict does not occur exclusively in Nairobi. The 'capital effect' is probably less important than in West Africa, or at least in countries that were colonised by France. Nairobi is the key to Kenyan political life but without being the centre, even though the main political institutions are concentrated there. Indeed, Kenyan political culture remains essentially rural. Thus, the political tension that is seen in Nairobi takes on a specific meaning.

Political conflict in Nairobi is largely a unifying activity of a society where the idea of a nation is real, but all the while is being constantly contested. Thus, conflict is often translated into political demonstrations that use Nairobi, being the capital city, as their stage. It is difficult to give a clear meaning to the idea of political activism. Following the example of *Dictionnaire de science politique et des institutions politiques*, we can assume that "Political activism suggests a meeting of three constituent elements: activation and identification of the involvement, formation of a social movement, definition of collective ends".¹

Political action in Kenya essentially takes the form of demonstrations, urban revolt and even, as in 1982, attempted *coups d'État*. Violence is the result of constraints imposed on a society by political authoritarianism which has continually governed the functioning of the State since its appearance at the end of the 19th Century. Some central characteristics of authoritarian politics allow a definition of this type of regime. According to P. Droz-Vincent, "The authoritarian political scene is atrophied and strictly framed: the objective is to assure the primacy and the permanence of the executive (emir, king, president, guide, etc.) and of isolating the reversal of politics (framed by institutions in democratic regimes)".² This supremacy of the Executive which could not be contested, aims at maintaining economic and social practices that have been described by J.F. Médard as 'neo-

1 Hermet, G., *Dictionnaire de sciences politique et des institutions politiques*, Paris, A. Colin, 1994, p. 172.

2 Droz-Vincent, Ph., 'Quel avenir pour l'autoritarisme dans le monde arabe?', *Revue Française de Science Politique*, Vol.54, n°6, 2004, p. 950.

patrimonial'. It is clear that in a century of political authoritarianism, these objectives been taken up various forms and practices. The clientele system that assures a minimal legitimacy for this type of regime has also evolved constantly. From then on, the mobilisation actors and the forms of political activism have changed. The geography of the mobilisations is also modified more than the very list of its political actions. Finally, the historical approach in this paper will show that in the State/society dialogue, the social groups acted according to their objectives which greatly evolved in the course of time.

POLITICAL ACTIVISTS AND THE DIFFERENT KINDS OF MOBILISATIONS

State governance created an intervention framework of protest groups and thus laid down some form of political activism (strikes and demonstrations at the expense of negotiation processes). In return, the activists obliged Kenyan authoritarianism to evolve. Thus, in the post-colonial era, there has been a change from a moderate authoritarianism to a corporate authoritarianism; then to the end of the Moi regime to a moderate sultanate. Colonial governance also changed in six decades of power.

The golden era of union action (1922–1960)

During the colonial era, unions were not merely confined to sectarian protests. In a country where political organisations were strictly restricted to ethnic boundaries, unions were the only structures authorised to have a national outlook. Thus, unions were important vectors in the invention of nationalism and the spread of the fight against colonialism. Nevertheless, politics basically structures itself at the level of ethnicity that was created or reconfigured from the 1920s; union action also takes part in the process. As Tiyaambe Zeleza puts it: "*Strikes were not simply struggles at the work place, but within and between communities*".³

The East African Association and the shootout of March 16, 1922

The East African Association (EAA) and its leader, Harry Thuku (1895–1970), are considered in the mythology of Kenyan nationalism as initiators of the long combat for national freedom. It is true that the EAA was one of the first modern political organisations, recruiting Africans from varied backgrounds, endowing themselves with administrative structures and using modern methods. At its roots, this was a group of urbanites defending union protests of the salaried workers in the rural world. The EAA was created in order to fight the decision of the settlers (white farmers) to reduce the pay of their employees by a third. This measure provoked an outcry from the political associations that emerged after the war, particularly the Kikuyu Association, which brought together a majority of the chiefs from the Central Province,

3 Zeleza, T., 'The strike Movement in Colonial Kenya', in *Histoire sociale de l'Afrique de l'Est* (XIX–XXesiècle), Paris, Karthala, 1991, p. 295.

from the Nairobi Baganda Union as well as from some Indian organisations. In the Pangani area, which was the centre of political discussions for Africans living in Nairobi, H. Thuku, an employee of the Inland Revenue, trained by the Gospel Missionary Society in Kambui, founded the Young Kikuyu Association which soon became the EAA. This organisation was founded by a young Kikuyu élite who wished to enlarge its audience to all salaried workers living in the capital, even those from other countries (Uganda, Tanganyika) and various ethnic groups.

This heterogeneous group, led by an ambitious leader, developed wide-ranging actions in six months of existence. At the international level, it corresponded with pan-African groupings that were basically American. At national level, H. Thuku recruited from among the several Muslim communities in the capital and from the Kamba while setting out a general programme for the sole purpose of attracting employees. At local level, two diverse strategies must be distinguished: one aims at the rural world and the other addresses urban dwellers. The mobilisation of the rural Kikuyu was a priority in H. Thuku's personal strategy. All during his life, he sought to establish himself as an icon of the Kikuyu nation. Thus, the EAA must be thought of as a venture to challenge the 'old guard' of the Kikuyu Association. This is a strategy of hegemony and legitimising the young bureaucratic elite contrary to the group of large landowners who controlled political contacts with the colonial power. While playing on intra-ethnic tensions (between the Kikuyu in the north and those of the south, between the different Christian communities and between the social classes), H. Thuku succeeded in attracting a large rural public.⁴

It is the urban actions of the EAA that led to its downfall. In the middle of March 1922, a general strike was decided upon and on 14 March 1922, H. Thuku was arrested. The strike intensified and rallies were organised around the prison. On 16 March, the police shot at the crowd, killing about 50 people. Among the victims, many women were hit, one of whom was Mary Muthoni Nyanjiru, who is remembered from the 1980s when she became a symbolic figure of women's fight for equality, especially in politics. Following this shooting, several arrests were made in the African residential areas and H. Thuku was arrested and detained for several years. In the short term, the 1922 revolt led the colonial authorities to soften their domination strategies. On one part, the Devonshire Paper of 1923 declared that the rights of the Africans must prevail. It implied that the influential settler community did not control the politics of the country. On the other hand, the administration was used to confine the African associations within the boundaries of the districts by obliging them to deal only with the defence of local interests.

4 See Singh, M., *History of Kenya's Trade Union*, Nairobi, EAPH, 1969; Thuku, H., *An autobiography*, Nairobi, Oxford University Press, 1970.

*Nairobi, an invention of the colonial state;
the Kamba demonstrations (1938)*

In 1899, the Uganda Railway transferred its offices from Mombasa to Nairobi, which, in 1907, became the capital of the East Africa Protectorate. As both the administrative and political centre, this town became the focus of the country. It was the place to be seen and to act. The Akamba were among the first to put Nairobi to the test in the service of their cause.

Throughout the colonial era, agricultural experts affirmed that African agricultural practices were the cause of massive erosion. In the Kamba area, the supposed excessive number of cattle was blamed and in 1937, the influential leader of the Soil Conservation Service, Colin Maher secured government approval to do away with 100,000 cows in four years and all the goats from the Machakos area. The inhabitants of the weakened areas had to be evacuated in order to allow the topsoil to regenerate. Apparently, these measures had been decreed following the setting up of a meat-packing factory in Athi River, belonging to Liebig. This factory was promised a regular supply of meat at competitive prices.

In a culture that greatly values cattle, and an essential element of the Kamba economy, these authoritarian measures could only provoke strong reactions. Three civil servants from Nairobi (Mwalonzi, a primary school head teacher, Kavulu, a secretary and Samuel Muindi, a police officer) structured the Kamba movement by developing the Akamba Members Association (AMA). Closely linked to the Kikuyu Central Association, they published articles in *Muigwithania*, the press organ of the KCA and used its influential networks to make their cause known. After 2500 cows were seized by the police, the AMA organised an oath-taking ceremony and on 28 July, several thousand Kamba descended on Nairobi. In view of the governor's refusal to speak to them, they settled close to the racecourse. They broke camp on 19 August when the Governor convened a *baraza* (meeting) at Machakos. This was the opportunity for the state to soften its authoritarian policy of reducing cattle.⁵

An extremely enduring period of peaceful activism followed, aimed at questioning the power on its own ground (the capital of the country) through public opinion and the media.

The era of general strikes (1940s and 1950s)

The agitation by unions in the capital developed much later, trailing behind Mombasa. In the coastal town, some social circles (the railway and port employees) had very early on developed a network capable of mobilising crowds. Throughout the 1930s, strikes increased in all sectors of the city while the social situation in Nairobi remained calm. Several factors explained

5 Rosberg, C.G. and Nottingham, J., *The Myth of 'Mau Mau': Nationalism in Kenya*, New York, Meridian Books, 1966, pp. 164–174.

the passivity of Nairobi residents in the period between the two wars. First of these is their relative prosperity in that period. Kitching showed that the Depression affected rural areas but paradoxically, affected the less urbanised areas.⁶ The drop in prices of agricultural produce caused foodstuffs in Nairobi to be cheaper and even if salaries had fallen, actual income continued to increase during the entire period. On the other hand, Nairobi residents were less urbanised than Mombasa residents. Until the 1930s, many Africans came to the capital for short periods in order to earn enough money to pay for marriage expenses and in order to gain a form of independence from their fathers.

In the 1940s, the situation first changed under the impetus of a new colonial policy that Low and Lonsdale described as the 'second colonial occupation'.⁷ London commanded the colonies to produce much more in order to support the war effort and the reconstruction of the nation. In East Africa, this was carried out by an increase in administrative pressure on the African populations. An authentic town policy thus emerged. New principles were announced—the need to develop lodgings specifically for Africans, a desire to create a real health and social sector. Under the circumstances, the control and supervision of the town inhabitants was increased, all this in a context of continued impoverishment of urban dwellers and of the development of nationalist protest.

Unionism thus succeeded in establishing itself in the capital. A new generation of leaders emerged to further engage the social classes, particularly by offering them accounts of more varied action. Their influence was established during two waves of strikes that affected a majority of the towns in the country. From 1941 to 1943, there was a potentially explosive social situation in all urban centres. Strikes broke out in order to denounce food rationing. Taxi drivers blamed the police for their inability to protect them from the effects of rampant insecurity. In 1942, railway employees, closely followed by workers from several enterprises, went on strike and paralysed the towns in order to get an increase in their salaries. Tensions were calmed after the nomination of a commission of inquiry, the Philips Committee, which was charged with examining union demands. The social crisis returned from 1947 to 1952. During this period, an average of 80 strikes per year was recorded. In the union's history, this period is remembered for the general strike of Nairobi (1950) that affected all economic sectors in the town and which spread like wildfire to all towns of the country.

6 Kitching, G., *Class and Economic Change in Kenya*, New Haven, Yale University Press, 1980.

7 Low, D.A. and Lonsdale, J., 'Introduction: Towards the New Order, 1945–1963', in Low and Smith (eds.), *History of East Africa*, Oxford, Clarendon Press, 1976, pp. 12–16.

More than ever before, the colonial power recognised the importance that the social issue played in popular demands. The British also discovered the power of union activism. The town that had long been neglected by colonial policy was revealed as a place where the colonial order was crucially threatened. As explained by T. Zeleza:

The centrality of the colonial city in the imperial-colonial nexus served to reinforce the disruptive power of mass strikes. The colonial city mediated and organised the structures of dependence between the colony and the metropolis. So even relatively small groups of workers strategically located in the city would hold the entire colonial economy to ransom. The city was therefore both the citadel and the graveyard of colonialism.⁸

To emerge from this crisis, the regime used both negotiation and repression. In 1952, the authorities recognised the formation of the Kenya Federation of Registered Trade Unions in order to have recognised and legitimate negotiators capable of negotiating global solutions that were likely to be accepted by the rank and file. At the same time, the declaration of a state of Emergency linked to the Mau Mau crisis gave rise to a stoppage of the most radical unionists and to forcefully outlaw the worst strikes.

The slow assertiveness of a politically active civil society
A politically marginalised town (the Kenyatta era)

From 1963, Jomo Kenyatta put in place a form of authoritarianism that politicians assessed to be generally moderate. Reaping the fruits of a prolonged economic growth, he was able to institute a system of client redistribution that the state legitimised and imposed on ethnic leaders whom it controlled through an authoritative administration loyal to it.⁹ After a violent struggle for independence that sharply divided the country, the regime sought to cool the political temperature of the country. To do this, it co-opted and placed the influential élite of the country in positions that it controlled. Additionally, it tried hard to take away from the towns their political capacity. It considered the urban centres, especially Nairobi as a politically explosive cauldron. This particularly related to the unions' capacity for political activism, and from that time they were subject to state surveillance. From 1965, all unions were affiliated to the Central Organisation of Trade Unions (COTU), which was in fact placed under the supervision of the party in power. The Trade Disputes Act of 1965 drastically restricted the relations between employers and employees and greatly limited the right to strike.¹⁰

From then on, the freedom of the union was curtailed. This was done to limit the urban ability to mobilise on political issues. By ethnicising political

8 Zeleza, T., op. cit, p. 298.

9 Bourmaud, D., Histoire politique du Kenya. État et pouvoir local, Paris, Karthala, 1988.

10 Sandbrook, R., 'The struggle to control Kenya's trade unions', Africa Report, March 1970, pp. 24–29.

life, Kenyatta effectively contained the vague desire for protest in urban centres, especially in the capital. In this regard, it is interesting to have a look at the factional struggles within KANU (Kenya African National Union) in the 1960s to see how leaders of the country avoided using Nairobi as a sounding board for political ideas. The main crisis was between the Kenyatta–Mboya group and the progressives directed by O. Odinga. This led the latter to leave KANU to form the Kenya People's Union (KPU). The country leaders handled the situation by ethnicising the debate, with the KPU being considered as a Luo party. Some prominent Kikuyu belonged to the Odinga faction and meetings organised in Central province provided an opportunity to denounce them as traitors to the tribe. Odinga himself was not able to put the debate into an ideological context. Thus, the most important meetings of the KPU, organised during Kenya's Little General Election (1966), were held in Kisumu and not in Nairobi.

In this manner, Kenyatta was able to shut the capital up. Nevertheless, Nairobi in this period experienced several demonstrations. But these often raised an intra-Kikuyu debate, even if some actors attempted to give them a national dimension or standing. Thus, the political assassination of the popular politician J.M. Kariuki (1975) provoked gatherings that were hostile to the regime. Students denouncing the dictatorial drift of the team in power were the main protagonists. Many Kikuyu also saw that this regime had been rendered cumbersome by the family circle of the President who assumed a power that an old leader in failing health could not hold.

A town under administrative and police control (1980–1990)

President Moi who succeeded Mzee Jomo Kenyatta in 1978 endeavoured, like his predecessor, to avoid revolts and urban demonstrations. Above all, he wanted to be the 'First farmer' of the country, which led him to claim several properties, and clearly displayed his distrust of towns. In his opinion Kenya was basically rural in nature. After a brief liberal interlude, Moi once again restored and increased police control and the supervision techniques of Jomo Kenyatta. More than ever before, the unions were gagged. Added to this, the economic crisis of the end of the 1970s particularly worsened the living conditions of urban dwellers. Due to speculation by the rulers of the regime, several basic products (sugar, maize flour, oil) periodically disappeared from Nairobi markets. Under these conditions, the attempted coup d'État hatched in 1982 by Air Force officers rapidly gained popular support. In a few hours, slum dwellers¹¹ invaded the City Centre. They pillaged businesses and attacked residential areas occupied by Indian communities.

This rather improvised show of force was soon subdued. But it gave an opportunity to the country leaders to reconsider their policies. The regime

11 The majority of Nairobi dwellers live in slums. This situation is worsened by the poor condition of the habitations for the middle class.

evolved towards a neo-corporate authoritarianism in the 1970s. The single party had lost its way and became inactive; it was renewed in order to cater for the different components in society. The unions as well as professional organizations became affiliated to the party. The long-suffering civil society was absorbed within KANU. Without going into interminable debate on the civil society—or its absence—in Africa, it can be recorded that the Kenyatta regime favoured the flourishing of numerous associations through which development must proceed. However, the *Harambee* ideology (“let’s pull together”) progressively degenerated into a patronage system more or less controlled by the political elite. However, the valorisation of local initiatives gave a limited freedom of action to the population and created some form of pressure and evaluation of politicians that the Moi regime tried to limit with various degree of success.

The political science approach of authoritarianism describes the strategies of the government elite but more rarely restored the logic and meaning that informed these plans. In the event, the mutations of the Moi regime prolonged and deepened the legacies of the colonial regime that, especially through censuses and other public statistics, separated society into ethnic and social groups that were more acceptable. Thus, according to Moi’s politics, there were some dangerous ethnic groups (Kikuyu, Luo and to a lesser degree, Luhya), dangerous classes (the lumpen proletariat, the middle class) and areas that were rather sensitive (the towns). From this socio-political topography, how could the authorities muzzle urban activism?

The regime reduced political influence in towns through its customary techniques of gerrymandering. Thus, urban constituencies contained considerably more voters than rural ones. Their borders were regularly modified in order to divide the opposition forces to the maximum. In the case of the capital city, the leaders attempted to ‘de-Kikuyu-ise’ political life in the municipality. Municipal councils that were not sufficiently docile were dissolved. But this strategy was not always enough. At the end of the 1980s, the town was managed by a special Commission that cleaned the non-loyal elements out of the local administration. In residential areas, collective services (security, dispensaries, water distribution...) were for the most part dismantled, thus creating a violent anarchy that the ruling clique more or less controlled through militias and mafia-like groups. Additionally, the leaders used specific strategies for specific social categories. The lumpen proletariat was weakened if not politically disarmed by being politically wiped out. Some estates were burnt down, markets set on fire to scare some social groups that were considered stubborn. At the same time, these police systems favoured land speculation and redistribution of land to the loyal elite. In these processes of the rising power of authoritarianism, the middle class was not spared. Through the courts, a large part of civil law and a part of family law was

placed under customary law. Urban dwellers brought up the right of ethnic groups in judicial matters. Hence, bodies were to be buried according to ethnic custom regardless of the wishes expressed by the deceased or his family.¹² In short, the Moi regime sought in this way to politically hem in the middle class in rural networks that were better controlled by the authorities.

Nevertheless, the state expended its energies on authoritarian procedures within a population that was far from passive. The government policies provoked revolts or sporadic demonstrations. Thus, the driving out led to serious clashes with the forces of law and order. At the end of the 1980s the destruction of Muoroto, whose land belonged to a politician who intended to sell it, caused a revolt that cost the life of several people. Additionally, the shifting of human rights to the guardianship of customary law (and of the rights of Muslims, for those who followed Islam) was carried out particularly in the case of the legal process opposing the nuclear family of S.M. Otieno—a well-known Nairobi lawyer from the Luo clan—when he died. The question was where to bury this leading light of the Bar. During each of the hearings that were held in 1987, several demonstrations were organised, essentially by members of S.M. Otieno's clan. Indeed, we can say that popular political activism organised in the 1980s in Nairobi was basically reactive, provoked by the State's action. Nevertheless, in spite of these eruptions, political control proved to be efficient. This kind of authoritarian system ended in the 1990s.

The 1990s—a decade of popular political activism

In retrospect, the 1990s appear to have been a golden age for political activism in Nairobi. The capital city became the political pulse of the country. More than ever before, the demonstrations seemed to be the result of real social movements. It espoused the ideology of democratisation. Needless to say, the masses then expressed a desire for liberalisation, which took complex and constantly changing ideologies and forms.

Historians and specialists of democratic transitions identify the start of this change to the Saba Saba riots of July 1990 during which leaders such as Martin Shikuku and Kenneth Matiba mobilised crowds in Nairobi to demand the return of multipartyism. This strong movement can be analysed in terms of an alliance between three types of élites. The first segment of the élite comprised those frustrated by the system that Moi had instituted. In order to control the elite, the President periodically recycled leaders from the moment that they succeeded in no longer totally depending on his networks. It was these politicians who no longer had any hope of rejoining the extremely

12 Maupeu, H. 'Enterrement des *big men* et nation kenyane' in Droz, Y. et Maupeu, H. (dir.), *Les figures de la mort à Nairobi. Une capitale sans cimetières*, Paris, L'Harmattan, 2003, pp. 231–263.

prosperous spheres of power that set them up to “speak for democracy”.¹³ They leaned on two forces of civil society which had escaped being locked up in the 1980s. These survivors were mainly lawyers. Some young Kikuyu advocates agreed to defend political prisoners during the worst period of Moi’s dictatorship. This earned some of them imprisonment or exile.¹⁴ But at the beginning of the 1990s, it was obvious that they were an important force within the Law Society of Kenya. When the demands for democratisation became apparent, they took their legal expertise to the social movement. But their contribution would have hardly carried without the decisive involvement of the Christian prelates. From the second half of the 1980s, Anglican and Presbyterian religious leaders courageously denounced the deviations of the Moi system. At the beginning of the 1990s, their initiatives were relieved by Pastor Kobia, the new patron of the strong National Council of Churches of Kenya (NCC) that federates the main Protestant Churches. Additionally, the political doctrine of the Catholic Church, the largest religious group in the country (in number of believers and especially because of its huge involvement in schools and hospitals) continues to evolve. The violence of the authorities appalled the prelates and the development the ethnic massacres from 1991 converted the senior clergy of the Catholic Church to the opposition.

In 1990 and 1991, churches served as a substitute for the opposition parties. The leaders of the movement in favour of multipartyism found them to be an organisation with a framework and spokespersons with the confidence of the masses, while the political class was largely discredited. Additionally, the religious structures guaranteed a certain protection, the clergy being the only social category endowed with immunity. Indeed, President Moi in the 1980s attempted to legitimise himself by leaning on the churches. The church became the conscience of the nation, a potential arbitrator. When the prelates left the lap of power, the president could not disown his past doctrine.

The calls to demonstration made by these elites were favourably received by the Nairobi populace because of their common frustrations—continued poverty of urban dwellers, rampant insecurity, and humiliation at the hands of the administration and especially from the police, whose corruption was of public notoriety. A new dynamic caused a politicisation of these annoyances. Since the end of the 1980s, Kikuyu nationalism experienced a great renewal. This was translated into the development of militant music that the *matatu* (minibuses) continually played.¹⁵ Cassettes of the most popular stars of

13 Nguni, M.G., 1996, ‘Building Democracy in a Polarised Civil Society: The Transition to Multi-Party Democracy in Kenya’ in Oloka-Onyango, Kibwana and Peter (eds.), *Law and the Struggle for Democracy In East Africa*, Nairobi, Claripress, p. 274.

14 During these expatriations, close contacts were built with Kenyan intellectuals living in the USA. This Diaspora played an important role during the democratisation of the 1990s, so much to design political strategies as to start lobbying towards Western countries.

15 Haugerud, A, 1995, *The Culture of Politics in Modern Kenya*, Cambridge, Cambridge University Press, 1995.

Kikuyu *Benga* like J. Kamaru thus experienced great success.¹⁶ After the purgatory of the first decade of the Moi regime, the house of Mumbi (the Kikuyu Adam) rose from its ashes and the Kikuyu aspired to find their place in society and prosperity. They believed this to be their due.

The often-violent demonstrations at the beginning of the 1990s led to the abolition of the single party system.¹⁷ But the 1992 General Elections did not lead to a change in power. The Moi regime survived by adjusting its particular form of authoritarianism. From a neo-corporatism, the regime veered towards a Sultanism based on a massive programme of political violence in order to carry out an ethnic cleansing of key constituencies, and on kleptocratic manoeuvres. The elite at that time looted all available resources as never before in a series of raids with which the pastoral communities were well acquainted.¹⁸ Under the combined efforts of the Structural Adjustment Plans which were generally applied and a short-term management of the country (political leaders believed that their days at State house were numbered), the state withdrew from several sectors, which allowed the civil society to develop anew. However, only some factions of society engaged in the democratic struggle.

The leaders of a politicised civil society retained two lessons from the 1992 polls. On one part, the constitutional rules were too biased towards the ruling powers for change. Added to that, the Executive privileges were excessive, without any opposition, which led to a dictatorial drift. On the other hand, they noted that KANU had won the election with a minority. It was the division of the opposition that had prevented it from winning. This convinced many intellectuals that opposition politicians only sought positions of power without sincerely seeking to construct a liberal democracy. From then on, several NGOs, interested mainly in Democracy and Governance (DG), leaning on the Church, decided to launch a strategy of constitutional reform from the bottom. If the political class refused to reform the rules of the public game in a democratic manner, it was up to the masses to impose it.

This strategy received great support from the public. From May to October 1997, these civil society groups used a varied programme of political activism: rallies, demonstrations, processions, strikes, sit-ins, prayers, parades of coffins in front of police stations.¹⁹ These actions succeeded in imposing constitutional reform as a main theme of the electoral campaign of that year.

16 For more on J. Kamaru's political thought, see Maupeu, 2005.

17 Lafargue, J. *Contestations démocratiques en Afrique. Sociologie de la protestation au Kenya et en Zambie*, Paris, Karthala, 1996.

18 Thomas, C. 'Le Kenya d'une élection à l'autre. Criminalisation de l'État et succession politique (1995–1997)', *Les études du CERI*, n°35, 1997.

19 Pommerolle, M.E., 'Mourir sous les balles de la police: la problématisation publique des exécutions extra-judiciaires au Kenya', in Droz, Y. et Maupeu, H. (dir.), *op. cit.* pp. 215–230.

However, the regime did not fall, even though it was weakened. In a few days or weeks, the authorities seemed to have lost control of the capital. Despite the violence exercised by the militia of those close to the President against the demonstrators, the State no longer seemed to have a hold on the town. But this situation barely lasted; the authorities succeeded in blocking the popular initiative by promising a constitutional reform, which was proven to be cosmetic.

This time around, the failure of the protest movement was largely due to the disunity between the different actors of the politicised civil society. As a matter of fact, the clergy rapidly abandoned the DG NGOs. The two groups had two different conceptions of constitutional reform. They also differed on the methods of activism and the running of the project. The NGOs, often led by lawyers, advocated a reform centred on the defence of liberties and in particular, human rights. This liberal conception of constitutionalism met with great success in a country undermined by ethnic massacres that once again occurred in the 1997 electoral campaign. At the level of modes of action, these lawyers defended the idea of a “civil coup d’État” as posited by W. Mutunga. Another leader of the time, K. Murungi, spoke of a “Kabila option”. According to him, “*The NCEC (the organisation co-ordinating the DG NGOs) was deliberately taking a hard-line stance to create a revolutionary situation!*”²⁰ The Churches, in response, hoped for an evolution towards a Christian social democracy. Additionally, they opposed the lawyers’ radical methods. They did not wish to give their support to any old coup d’État. The political changes had to come through the ballot box and not through the streets. This divorce between the civil societal forces sealed the fate of grassroots constitutional reform. This allowed the political class to once again take up the mantle.

Political parties and the town

Politicians learnt several lessons from the 1997 election. First of all, the middle class imposed on them the agenda of the electoral campaign and obliged them to accept the idea of a constitutional reform. The prospect of weakening the Executive is interesting from the moment that one finds oneself in opposition. On the other hand, when one is in power, any prospect of reform removes the opportunities of enriching oneself and the likelihood of being re-elected. Even more, the strength of society constrained the political class to open up, albeit sparingly. This was a forced co-opting rather than a chosen one in an area adept at reproducing itself from generation to generation. Thus, the politicians resolved to benefit from the 2002 election by ridding itself of the middle class obstacle. How, then, to mobilise the masses without passing through the politicised civil society? The populist map was, in the first instance, adopted before being

²⁰ Murungi, K., *In the Mud of Politics*, Nairobi, Acacia, 2000, p. 78.

taken over by what was referred to as the “neo-traditional temptation”. These options were elaborated in a new context where the town once more became the centre of polarisation of political life. M.A. Goux explains:

The situation changed at the end of 2000 when political ostracism where the town was held, seat of the opposition, seemed to come to an end... President Moi clearly displaced campaigns in the city, the arena of political combat.²¹

For the first time, Moi placed the political duel of the 2002 General Election in the urban scene. This was a fatal move for him.

The rent payers’ battle (2001–2002)

In the autumn of 2001, the MP of Kibera (the largest slum in Nairobi), R. Odinga and the President of the Republic during a meeting denounced the expensive rents while the owners of the structures were not owners of the land. They thus inflamed an inferno, which had been dormant for a long time. Violent riots broke out in the month of December opposing young Luo against the Nubi who were supposed to embody the owners. The police were revealed as being largely powerless and panicky when faced with the rumoured prospect of violent night attacks by Kikuyu militia that frustrated house owners were supposed to have financed.²²

This Kibera crisis allowed the politicisation of the informal housing issue throughout the town. From 2001, the usual methods of conflict resolution in housing estates (elders’ councils, recourse to arbitration, intervention by the chief or police) did not seem to function. These conflicts were no longer problems between a landlord and his tenant, but were seen as political issues that went beyond the individual. In this manner the revolt progressed from the west to the east of Nairobi without degenerating into a general civil war. Despite the shared problems, (shortage of available housing, poor quality of accommodation, expensive rents, tense relationships with landlords), each estate had its story and specific inhabitants. This seemed to limit the range of politicisation on the issue of rents. Tenants groups never succeeded—assuming they tried—in coming to an agreement on launching communal action in the whole town. Several residential estates in Nairobi, 2001 and 2002 were fire bombed and there were several spontaneous fistfights between bands of youth of different movements.

At the end of the day, in some areas, the rent wars seemed to be predetermined by other dynamics, which are still linked to the strategies of the leaders of the State.

21 Goux, M.A., ‘Guerre des loyers dans les bidonvilles de Nairobi’, *Politique africaine*, n°91, 2003, p. 78.

22 Ibidem.

The neo-traditionalist temptation

In the quarter of the century that its regime lasted, President Moi used several hegemonic strategies in order to maintain power. He tried to legitimise his position through a Christian doctrine while opposing ethnic alliances against others, by resorting to ethnic cleansing and extolling the virtues of a neo-traditional doctrine. In the 2000s, he tried to revisit his neo-traditional strategy. As the election drew near, he gave hope to the African Independent Pentecostal Church of Africa (AIPCA) that it would get back the hundreds of independent schools that it had started in the 1930s and 40s, which the colonial power took away during the Mau Mau crisis. Additionally, he drew close to a Kikuyu sect, Mungiki, which seemed to be made up of several youths at loose ends from towns in Central and Rift Valley provinces. This flirtation with the Mungiki should be analysed with regard to a political strategy of attracting the youth. During this electoral campaign, Moi made efforts to promote a new generation of politicians that newspaper journalists referred to as ‘the dot.com generation’, among whom was Uhuru Kenyatta, his designated heir apparent, the son of the Father of the Nation. Under this framework, the Mungiki were called upon to play the role that the *Jeshi wa Mzee* militia had played in 1997.²³ The only thing is that the Mungiki was not easily controllable—they were a heavily divided group that was in the pocket of various powers.

In March 2002, the Mungiki let loose a massacre in a Luo residential estate in the east of Nairobi, which traumatised the public. On a superficial level, these killings can be considered as vengeance against a group of Luo vigilantes—the Taliban—who had killed a member of the Mungiki. The differences between these two youth groups stem from the fact that the Taliban represented the interests of the tenants while the Mungiki were the militia supporting the landlords. In this context the Kariobangi North massacre can be characterised as a rent war. But this would be to neglect some directly political factors. The Taliban were a militia financed by the National Development Party (NDP), Raila Odinga’s political party, in order to organise the Luo vote in that part of the town. Locally, the Mungiki worked for the opposition MP, who wanted the Luo to register in another constituency.²⁴

This Kariobangi North massacre is a milestone in the 2002 electoral campaign. Indeed, it affected public opinion much more than other killings in that period. The media emphasised the savagery of the acts (castrations, machete amputations of several people...). This conflict is only one of the confrontations that were regularly sparked off for a year in the slums of

23 In the last three multiparty elections, KANU armoured youth organisations who served to mobilise the social novices and to terrorise those who opposed them. Youth for Kanu ’92 filled this role in 1992. For more on this topic, see Maupeu, H., ‘Vie et mort d’un groupe de pression électoral: l’exemple de Youth for Kanu’92’ in Grignon, F., Maupeu H. (dir) *L’Afrique Orientale*, annuaire 2000, Paris, L’Harmattan, 2000, pp. 395–421.

24 Maupeu, H., ‘Physiologie d’un massacre: la tuerie du 3 Mars 2002, Kariobangi North (Nairobi, Kenya)’, in Maupeu, H. (dir.), *L’Afrique orientale*, annuaire 2002, Paris, L’Harmattan, 2002, pp. 339–367.

Nairobi's Eastlands where rival youth bands killed each other in order to affirm their authority before the crucial election period. These practices echoed survival strategies of Nairobi's unemployed youth. For these groups, the electoral campaigns are vital moments in which they negotiate their relationship with politicians who employ them to manage security at their meetings and cause insecurity in the other camp. Large sums of money were thus in circulation. It was also the moment in which to discuss post-electoral victories: the groups linked to the election victors would have the monopoly of security on bus routes and of cleaning minibuses. This reasoning was included with regard to the mutations of the organisation of the state. In the frame of the evolution of Moi's authoritarianism to a form of Sultanism, the kingly functions of the State were significantly reduced. In town as in many regions of the country, security was no longer carried out by the police but rather by informal vigilante groups that competed through tensions between the different 'big men' who protected and financed them. In this manner, local security politics espoused the class battle lines and inter-party tension. The Kariobangi North massacre brutally exposed this agenda that no political leader wanted to tackle in public debate. Politicians refused to speak of the privatisation of security, of the necessity to reconsider the function of the state. They demonised and pathologised Mungiki. Thus, Moi's neo-traditionalist strategy was dramatically found discreditable and the opposition could easily develop a classical electoral campaign on themes of freedom and social rights.

THE GEOGRAPHY OF POLITICAL ACTIVISM

In a century, Nairobi has experienced several political demonstrations that, over time, have tended to take place in the same areas of the city. Several places or streets in the city centre could easily have become the site of demonstrations. But no social group thought of marching to Jeevanjee Gardens or to Moi Avenue. Certain areas were preferred. Demonstrations only happened in some places. Additionally, each of these sites progressively acquired a particular political connotation. Each of these places took responsibility for a social image, of a labelling that made it correspond to a specific kind of demonstration. Nairobi could easily be divided into three types of political area: the area where authority was contested, those places where the authorities organised its large popular rituals and finally those given up to more complex political activity that could be called "citizen walk."

Parks and the Nairobi Central District: areas of conflict

Demonstrations against the established regime were concentrated in three places. The oldest of these without a doubt is **Kamukunji**. This formless land adjoining the slums and residential estates barely appears to be anything special. Only the stalls and various bars that surround it give a hint that crowds

periodically meet in this poorly maintained field. Its politicisation dates back to the social agitation of the 1940s–1950s. Situated in the old African estate of the capital, whose urbanisation was dictated by rules of apartheid, this region is not far from the city centre and particularly the commercial and popular streets like River Road. During the strikes that increased following the belated economic crisis of the 1930s and of the “second colonial occupation”, several gatherings were staged at Kamukunji. However, in Kenya’s union history, the symbolic area of their political engagement remains in Nairobi, Kaloleni Hall, where the offices of their union structures are situated. Today, Kenyan activists associate Kamukunji with the Mau Mau period during which this site would have gained its noble title. Indeed, Kamukunji barely served during this crisis, which was rapidly brought into line by the colonial powers, at least in the towns. Through the precocious ‘Operation Anvil’, the British soon evacuated from the capital all nationals from Central Province. From then on Mau Mau activity in Nairobi was spared clashes and battles in the swamps situated in the northeast of the town.²⁵ Kamukunji acquired its current political meaning at the end of the 1950s and at the beginning of the 1960s when the partisan system aimed at organising the forthcoming national independence was established. Each political group mobilised its troops from this park. Several historical speeches of the Father of the Nation, Jomo Kenyatta were made here.

Once in power, Kenyatta stopped making his speeches from Kamukunji. The area was too crowded for protests. Hence, when the KANU faction headed by R. Odinga found itself marginalised before being ousted from the government in 1966, these leaders briefly returned to Kamukunji, which had always symbolised opposition territory.

In the 1970s and 1980s, Kamukunji was politically put to sleep. It served as an informal football stadium and as a marketplace. The inexorable rise of police authoritarianism of the Kenyatta regime ended, and that of the Daniel arap Moi presidency started. The elite circles did not seek to mobilise the people. The situation changed after the 1988 general election. A large proportion of the political elite no longer regarded itself as being in the collaboration with the Kalenjin power (the ethnic group of the President, which gradually claimed several strategic positions). The social ambience, at both national and international level, seemed primed for multipartyism demands. In the struggle to put an end to the KANU monopoly, Kamukunji

25 Anderson, D.M., ‘The battle of Dandora Swamp. Reconstructing the Mau Mau Land Freedom Army’ in E.S. Atieno Odhiambo and J. Lonsdale (eds.), *Mau Mau and Nationhood*, Oxford, James Currey, 2003, pp. 155–175.

once more found its political role.²⁶ All throughout 1990, political meetings were organised there, during which the Mau Mau mythology was constantly reactivated. The area of gathering itself is supposed to create a call to resistance. Nevertheless, the historic value Mau Mau gave to the Kamukunji gatherings was important in light of the hardening of neo-traditionalism. An Anglican prelate who participated in the multiparty battle explained his reticence to intervene during the Kamukunji meetings. This place did not seem to him Christian enough. Additionally, these meetings were often forbidden by the authorities and gave way to police violence. In an ironic twist of history, KANU, which had lost power in 2002, attempted several times in 2003 and 2004 to organise meetings hostile to the Kibaki regime at the Kamukunji site. Just like the opposition in the past, KANU tried to show its muscle and to organise its protest from Kamukunji.

Uhuru Park, since the end of the 1980s, was the principal site of political demonstrations in Nairobi. In Kamukunji, the meetings were the act of politicians while at Uhuru Park, civil society organisations often led the dance and the political class caught up with the dynamic led by others.²⁷ Wangari Maathai was the instigator of the renewed politics of the area. In 1988, KANU announced the construction of the highest building in Africa, which was to host the offices of the single party,²⁸ and would be situated in Uhuru Park, at the edge of the city centre. This project collided with opposition from W. Maathai. At the end of the 1970s she headed the largest federation of women's associations. Above all, she created the Green Belt Movement, an NGO financed in the long-term by north-European embassies that encouraged rural-based women to reforest and to preserve the existing forests. She thus became a well-known personality in the domain of environmental

26 W. Mutunga explains the political meaning of Kamukunji thus: "Since the 1960s, Kamukunji came to symbolise 'Not Yet Uhuru'. The opposition of the Kenyatta-KANU regime went to Kamukunji to agitate against the regime. The calls for democracy were heard there. Kamukunji also symbolised 'Not Yet Democracy' and the pro-democracy movement pleaded its case there in 1990 and 1991 among the Kenyan people. It was no accident that the Saba Saba struggles of 1990 were waged there. It was no accident that on November 16, 1991, the pro-reform movement led by the Forum for Restoration of Democracy (FORD) defied the Moi-KANU regime's colonial repressive laws at Kamukunji. Although the rally did not take place, it was a turning point in the struggle against the Moi-KANU dictatorship. It is no accident that meetings at the universities are called 'Kamukunjis' to symbolise the battles there for academic freedom, against the authoritarianism and corruption of the university leadership and the students' material welfare. It is no accident that both KANU regimes, both practising dictatorship, were determined to physically wipe out the Kamukunji grounds and kill the spirit of national independence and democracy." Mutunga, W., *Constitution-Making From The Middle: Civil Society and Transition Politics in Kenya, 1992–1997*, Nairobi, SAREAT, 1999, pp. 170–171.

27 W. Mutunga, one of the leaders of this political civil society, curtly justifies the use of Uhuru Park: "It has clean grounds and a man-made lake. It is cool there even on a hot day, in particular, at the presidential dais which is situated to the lake. It has a great public address system and an uninterrupted supply of electricity." *op. cit.* pp. 169–170.

28 There were plans to construct a statue of President Moi at the foot of this building. The statue would rise as high as the eighth floor.

protection, which earned her the Nobel Peace Prize in 2004.²⁹ In 1988, she succeeded in mobilising vast crowds to defend the integrity of Uhuru Park. It is true that this park assumed an important political meaning for Nairobi citizens. Situated in the former White zone of the town, this park (at that time called Central Park) was not accessible to Africans until 1963. Since it became the park of independence (*Uhuru*), many Nairobi residents take leisure walks there or pause for rest at midday and during weekends. It is truly the park for free citizens.

W. Maathai's demonstrations caused the authorities to turn back. For the first time since 1978 when Daniel arap Moi acceded to power, the regime renounced one of its projects, crumbling in the face of public pressure. This event put an end to the most dictatorial period of President Moi's rule and the large protest movement got underway, which made Uhuru Park the main focus of the opposition. The opposition was divided and often poorly organised, but it was a determined one. At the beginning of the 1990s, some tens of mothers of political prisoners set up camp in a corner of Uhuru Park. With the help of churches and women's associations, they settled there stoically and thus attracted the attention of all media houses. After a few weeks the police tried to dislodge them. These matrons then stripped naked and cursed the young police officers. In view of the press campaign, which included western newspapers, the authorities left the women alone. Since then, W. Maathai baptised that place 'Freedom Corner' and every year she organises a small informal ceremony, supplemented with the planting of trees and the inevitable speeches. This site, a symbol of the opposition, is situated in one of the corners of the vast square, which has access to the city centre through Kenyatta Avenue. It is the answer to the huge Nyayo monument built by the regime in honour of Moi,³⁰ which is opposite Freedom Corner, a marble mountain from which a bronze hand holding the baton, Moi's symbol, sticks out. It is currently in a state of decrepitude that contrasts with the organic life of the trees of Freedom Corner. In another corner of the square, there is Nyayo House, a large administrative building that has long housed the torture chambers of President Moi's³¹ police forces. Finally, at the other end of the street is Kipande House where, during the colonial era, all Africans entering the town had to have their *Kipande* examined. A branch of the Kenya Commercial Bank today occupies the building.

Most of all, Uhuru Park is the general focus for the religions of the nation. The Anglican cathedral reigns at its centre. The main Presbyterian Church in Nairobi and the Lutheran temple are at its edges. At the other side, a large Catholic Church neighbours a Jewish synagogue. Some hundred metres from Uhuru Park, apart from the Catholic Cathedral, there is also the main

29 Maupeu, H., 'Wangari Maathai, femme de paix ou contestataire de choc?', *Politique africaine*, n°99, 2005.

30 This monument was inaugurated in 1988 and named the '10 Great Years Monument'.

31 Citizens for Justice, *We lived to tell. The Nyayo House Story*, Nairobi, Friedrich Ebert Stiftung, 2003.

house of worship of the Seventh Day Adventists, and the enormous Africa Inland Church, ostentatiously financed by Daniel arap Moi who attended services there several times a month during the 1990s. Uhuru Park is thus at the religious core of the capital. Even the Pentecostals organise crusades there every Sunday, which have for a long time been attended by huge crowds. When, at the beginning of the 1990s, churches were at the forefront of the political scene, Uhuru Park logically found itself at the heart of the capital's political geography. Right at the beginning of this decade, prelates sponsored or even orchestrated the largest demonstrations in favour of the end of monopartyism. During the electoral campaign of 1992 the religious leaders continued to parade, but in a scattered manner behind the party that it supported. In 1997 the large churches were united against the Moi regime but were soon overtaken by the militant stance of the human rights NGOs and were surprised by the violence of the police who did not hesitate to beat up priests, even within the walls of the Anglican Cathedral. Faced with a situation they had difficulty in mastering, the religious forces supported negotiations aimed at peacefully organising the elections, notably by avoiding recourse to mass demonstrations that could barely be controlled. The era of large demonstrations orchestrated by churches was over. During the 2002 electoral campaign, the religious groups were seen to be active at local level but were clearly more discreet at national level.

Some spiritual groups situated in Uhuru Park sustained the controversy. This is particularly true in the case of the Freemasons whose temple towers above the Anglican Cathedral on the other side of Kenyatta Avenue. Up to the end of the 1980s, this brotherhood thrived in its discretion. But since the 1990s, the constant debate on Devil Worship placed the Freemasons firmly in the public eye. Over a period of about 15 years, rumours of Devil Worship thrived in East and southern Africa. It was said that children and women were taken away in order to be sacrificed in satanic ceremonies in which eminent members of the political elite took part. Periodically, President Moi was accused of engaging in these practices. These rumours were particularly persistent in 1998 following the electoral victory of 1997. Thus the stories of satanic cults seemed to be popular perceptions of the state and in particular of its leaders.³² In this context, the Freemasons became the scapegoats. A presidential commission charged, in the mid-90s, with studying the phenomenon of satanic cults, accused them of participating in this phenomenon. It reproduced the writings of well-known essayists in Anglo-Saxon countries who had published best sellers on this topic. This stigmatisation led a neo-traditionalist sect, the Mungiki, to engage in threats

32 See Droz, Y., 'Si Dieu veut... Suppôts de Satan ; incertitudes, millénarisme et sorcellerie parmi les migrants kikuyus', *Cahiers d'études africaines*, vol. 145, XXXII (1) 1997, pp. 85–117; Maupeu, H., 'L'Église catholique et la démocratisation kenyane (1992–2002)' in G. Séraphin (dir.), *L'effervescence religieuse en Afrique*, Paris, Karthala, 2004, pp. 43–88.

on the Freemasons. In 2001 and especially in 2002, the Mungiki vowed to organise a march against the Freemason Lodge, situated close to Uhuru Park, and to burn it.

Uhuru Park is also one of the centres of political agitation by virtue of the fact that it borders the University of Nairobi campus, whose tradition of protests is well known. In the 1970s, these students were said to have been corrupted with Marxism by a group of academic staff, the famous “bearded men” according to the expression coined by Moi and Charles Njonjo, the influential Attorney General of that era. After this golden age of university militancy, the repression of the police regime of President Moi forced the most renowned intellectuals to leave the country. The strikes and demonstrations of the students were many and often violently bloody. Since the end of the 1990s, the university was less politicised and organised demonstrations were rarer. Instead, the students were only actively involved in the sporadic eruptions of violence caused by categorical demands such as improvement of food etc. The students then took control of University Drive and the adjacent roundabout; they stoned cars that dared go into the zone and waited for the intervention of the police from the neighbouring station. After some clashes, the university was closed either for a few days or a few months; the students were sent back to their homes until a new opening date was announced.

Uhuru Park and Kamukunji were not the only sites in Nairobi where protest demonstrations developed. The city centre, more commonly referred to as Nairobi Central District, periodically experienced demonstrations. While in the two parks, demands were more often of a national political nature, in the city centre the demands were generally linked to sectarian or municipal political problems. It was the employees of City Hall who led street marches when their salaries were not paid. Equally, the businessmen of the informal sector were regularly prone to harassment from municipal forces which periodically led to demonstrations, most often impromptu and violently repressed.

All demonstrations do not aim at confronting the authorities. The regime itself organised its own popular rituals.

Nyayo Stadium: place of official ceremonies

All regimes need to organise popular rituals in order to legitimise their power. An authoritarian regime has a tendency to develop too many of these rituals. Official propaganda had difficulty in being effective if it did not combine with a political framework, which was a great fault in the case of Kenya.³³

In the 1980s, President Moi tried to develop a forced personality cult. Artistes and journalists were supposed to praise the genius of the Nyayo philosophy, the ideology of President Moi, which was to replace the Harambee

33 Médard, J-F, ‘Autoritarismes et démocraties en Afrique noire’, *Politique africaine*, n°43, 1991, p. 94.

spirit of Jomo Kenyatta. This gave way to several ceremonies during which the successes of the regime were celebrated. Success was not always certain. Nairobi residents love to remember the meeting during which Moi was to unveil the nation's car, the Nyayo car, an equivalent of the Volkswagen Beetle, a product of Kenya which all citizens could afford. When the President tried to start the car, it stalled and never again showed signs of life.

In the 1990s, the propaganda of the regime was more modest. Moi was known to be detested by the majority of Nairobi dwellers, as the results of the election eloquently declared. He seemed to accept this without any obvious bitterness. From then on, the grand popular ceremonies organised in the capital were generally restricted to national holidays (Jamhuri Day, Moi Day and Kenyatta Day) and followed an immutable ritual.

Early in the morning, Nairobi residents would fill up Nyayo Stadium. Public personalities—ministers, senior civil servants and ambassadors—gradually took their places. Shortly after 10 am, the President would appear and go around the stadium in an open car. Groups of school children would cheer him on. The speaker would try to obtain the people's acclamation, as they remained heavily silent. The parades of the army were next. Choirs and dance groups performed to the applause of the spectators. Then the speeches would start. At the moment the Head of state was to speak, the police would close the park gates so that citizens would make no attempt to boycott the message that had been long awaited. The majority of spectators could barely contain their impatience with an incomprehensible orator due to a deficient sound system. Some citizens put on their portable radios in order to understand what President Moi was declaiming in front of them. A little after midday, the ceremony would end and the crowds would head towards the bus stations of Uhuru Park.

Nyayo Stadium is not only the site of propaganda for the regime. It is also a major national venue for football. In a country where football has for a long time been politicised, the matches often constituted political events. During these decades, the prestige of first division football rested on the local derby between two clubs in Nairobi—Gor Mahia, representing the Luo, and AFC Leopards, the Luhya team. Indeed, the ethnicity of several men from Western Kenya is defined in Nairobi by their belonging to clubs of supporters who re-hash and debate the sporting and political life during their discussions in bars in residential estates at the periphery of the city. At Nyayo Stadium there are no passive spectators. What happens on the pitch can serve to set off violence in the stands and also political misfortune for their ethnic patron (who is almost always the president of the club as in the case of M. Mudavadi and R. Odinga) can serve as an excuse for unleashing fury. In the 1980s, the hegemony of ethnic clubs was contested by teams heavily funded by large industries in the country like Bata and Kenya Breweries. At the end of the

1990s, clubs in the estates, such as Mathare United (from a slum of the same name) checkmated the old teams that were often better endowed. By finding themselves at the end of the champion's queue, ethnic clubs had less to dream about and the Republic of football lost its magic and its capacity to trigger demonstrations.

The citizens' places of leisure: Arboretum and Jamhuri Park

Not all parks in Nairobi welcome demonstrations. Some are too far from the City Centre and others are poorly served by public transport. Several parks in the capital have never earned distinction as political venues. They are simply places of leisure that are often disreputable. However, some parks are places of citizenship even if there are no demonstrations organised there.

The **Arboretum** is quite close to the city centre but it is also close to State House (the former residence of the Governor of Kenya in the colonial era) and because of this, the police constantly patrol it. Since its rehabilitation in the 1980s, the Arboretum is constantly taken over by prayer groups, most often by Pentecostals. Several gospel music videos have been made there. Nevertheless, the managers have not allowed any crusades to be organised there. Thus, this park takes part in interdenominational religious events that correspond to the vague national ideology that cements the country. Indeed in Kenya, the political elite and a large fraction of the population see themselves as wishing to be Christian. Beyond ethnicity, Christianity ensures the compliance of what some cynically describe as the useful Kenya and which corresponds to the population that intervene (and dominate) on the public scene.

An association dominated by upper class White Kenyans manages the Arboretum. The members of the association encourage and promote the idea of an environmentally friendly citizen. Conferences and exhibitions seek to make known the Kenyan biodiversity and the interests of ecological energies.

Without a doubt, Arboretum has most visitors during the weekend. It is also when the variety of visitors is greatest. Students leave their neighbouring university halls of residence to engage in collective games. Indian families meet there to picnic together. Prayer groups meet to fellowship and to listen to sermons. The Arboretum thus becomes a place where multiculturalism thrives, mostly among people of the urban middle class.

Jamhuri Park is mainly the kingdom of the rural middle class, which comes to the capital for business or for information. Several fairs and in particular the popular Agricultural Show of Kenya attract visitors from several provinces. Nairobi residents are also never far from their rural homes and a visit to these fairs is an opportunity to celebrate or revive their origins, and they take their relatives from the countryside there for the occasion.

CONCLUSION

From this historical journey it appears that violent demonstrations are a method of basic regulation of conflict and an important ingredient of state–society relations throughout Kenya’s modern history. This contributes to making Nairobi the central nerve of the political system while the political class seeks to ideologically marginalise the political role of the capital.

Thus, Kenya appears as politically unstable and violent, notably in comparison with its neighbour, Tanzania. This persistence of political violence is closely linked to the resilience of the authoritarian regimes which led the country throughout the 20th Century.

Is the Kibaki regime likely to put an end to what seems to be a basic characteristic of Kenyan political culture? This question is posed by several analysts who recognise that democratisation will be accompanied by a pacification of political activism. Indeed, President Kibaki is endowed with a strong legitimacy in so far as the 2002 general election brought an end to KANU’s reign, the party that had been in power since 1963. But we have already stated that authoritarianism adapted perfectly to the multipartyism granted in 1992 and it is possible that this adaptation will not automatically lead to democratisation. At the end of three years, it is noted that President Kibaki has slipped into his predecessor’s boots with ease. Up to now he has refused any constitutional reform that might be likely to weaken Executive privilege and he is comfortable with a Parliament that has ceased to be a rubber stamp but which is not always the instrument of a free democracy. Violent demonstrations have become rare. In addition, the absence of economic reforms and the persistence of weak economic growth have led to the resurgence of social conflict, which rapidly tended to become more radical due to the absence of legitimate unions and social arenas where negotiation could intervene. As a whole, the Kenyan state seems less interested in negotiating an acceptable social contract that can bring up to date an authoritarianism which has proved itself. This forebodes a radical future for the social and political leaders who wish to make use of political violence.

Obviously Kenya suffers from a fossilised political elite that barely renews itself. However, the historical study of popular demonstrations tends to reduce the potentially great influence of some more recent initiatives by underlining the dynamics of the past. This is particularly the case that A. Appadurai refers to as “*the cultural consequences of globalisation*”.³⁴ In the development of this paper, there has been a brief discussion of the influence of the intellectual Diaspora on the forms and themes of political demonstrations. The paper could have focused on the growing place of the Internet in the strategies of social movements. Strong transnational heroes emerged, of which W. Maathai,

34 Appadurai, A., *Modernity at Large. Cultural Dimensions of Globalisation*, Minneapolis, University of Minnesota Press, 1996.

the 2004 Nobel Peace Prize winner is an example. Both as the carrier of a neo-traditional message and of an environmental universalism, she exports her strategies of grassroots development in several western and southern countries in Africa.

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Despite being a large capital city in Africa in terms of size and its regional role, Nairobi is an unrecognised entity. For the majority of its inhabitants, the capital of Kenya is a transit point rather than a dwelling place. Since its origins, Nairobi has been a city of migrants, more predisposed to their rural roots than to their current city status. It is a non-conforming town, which conceals its urbanity more than it claims it, and whose identity remains evasive. Nairobi presents itself as a mosaic of residential areas which bring to mind the city's history. The racial segregation that stratified the development of the colonial city has today disappeared, but it has given way to a form of social segregation.

One must, therefore, not seek a unique identity in Nairobi, but rather, several identities—those of different communities that comprise the city and whose dynamics are seen at village and residential estate level. However, Nairobi is also a city that is contradictory. This East African capital city is often associated with slums and crime, and their increase and growth stigmatises the failure of urban policies. Therefore, it is at these cracks and fringes of the city that we should seek out the identities and dynamics that have shaped the city for a century.

Nairobi is a fragmented city that can be understood in steps. The 13 contributory articles in *Nairobi Today* thus reveal the city. This multidisciplinary collective work invites us to gain entry into certain areas of the city, to visit its communities and to familiarise ourselves with its formal and informal institutions. This is a requirement in order to fully understand what makes Nairobi what it is today.

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